



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, NOVEMBER 18, 2003

No. 167

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, of one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1743. An act to permit reviews of criminal records of applicants for private security officer employment.

The message also announced that Mr. DOMENICI, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Ms. MIKULSKI, Mr. REID, and Mrs. MURRAY be added as conferees, on the part of the Senate, on the bill (H.R.

2673) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes."

The message also announced that pursuant to Public Law 96-14, as amended, the Chair, on behalf of the Majority Leader, announces the appointment of John M. Falk, of Washington, D.C. to be Chairman of the Congressional Award Board.

### NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60 of the Capitol.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H11361

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 10:50 a.m.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA) for 5 minutes.

## HEALTH CARE EQUALITY AND ACCOUNTABILITY ACT OF 2003

Mr. GRIJALVA. Mr. Speaker, I rise today in support of legislation to improve the health of racial and ethnic minorities in our Nation, the Healthcare Equality and Accountability Act of 2003.

This act will offer Congress the opportunity to begin to close the health care divide and disparity that exists between Americans, a divide that cannot be ignored nor should it be tolerated. The irrefutable facts will be presented today for all of us to see. This disparity is real and this divide exists.

To ignore these facts is tantamount to perpetuating the dual system of health care in our country, separate and unequal, a dual system that too often denies to communities of color, Latinos, Native Americans, African Americans, and Asian Pacific Islanders, the health care access and quality that most Americans enjoy. This pattern of exclusion of people from quality health care is morally wrong and is a significant deterrent to the overall progress of our Nation.

Mr. Speaker, this legislation to address racial and ethnic health disparities in this country would do the following: it would set the elimination of racial and ethnic health disparities as a goal. The elimination of racial and health disparities can and should be a goal for all Americans. The health of all our communities is enhanced when we work to close the health care divide.

It would expand the health care safety net. The lack of health insurance and access to health services result in significant decline of the health status within racial and ethnic minorities communities in this country. The availability, quality, and affordability of health care coverage options and to provide meaningful access to health services must be expanded in cooperation with health care providers and employers in order to successfully address the divide of racial and ethnic health communities and their delivery of health services.

The other point that is, I think, very important for us to consider is that en-

suring health care access is in compliance with the civil rights law. Title VI of the 1964 Civil Rights Act and its subsequent amendments provide crucial rights to individuals with limited English proficiency to access federally conducted and supported programs and activities. Limited English proficiency persons should not be inhibited from accessing vital health care services paid by them and their families in their tax dollars.

Finally, Mr. Speaker, I urge my colleagues to join me in endorsing this important bill. An action by Congress long overdue, if we have the will and resources to pursue international adventures—then we should have the same resolve here at home.

## CLEARING THE PLATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, all year the House has taken on major priorities with an eye towards policy, not politics. And all year we have delivered on our promises to the American people.

We have funded the liberation of Iraq, and now we are quickly turning the democratization of that nation over to its people.

We have reduced the income taxes for every American who pays them, and now the economy is growing and jobs are being created.

And now, after a long year of tireless work with colleagues on both sides of the aisle and both sides of Capitol Hill, the House is poised to meet the top two domestic challenges currently facing the American people: the need for improved health care for American seniors and the need for a comprehensive policy to reshape the consumption, delivery, and conservation of energy.

Now, in both cases we took the time to get the job done right. For instance, the Medicare bill does so much more than merely provide prescription drugs to American seniors, though that alone, frankly, is a monumental achievement. Instead, it strengthens and improves the underlying program, including competitive reforms that will preserve Medicare solvency and prepare it for the retirement of the baby boom generation. Rather than tacking on a new entitlement to an old one, as some advocated, we took on the fundamental problems of the 40-year-old Medicare system and made it a stronger and more flexible program for its diverse beneficiary base. In other words, we serve Medicare's customers, not its bureaucracies.

Mr. Speaker, we brought the same comprehensive approach to the energy mess the American people have been struggling through for over a decade. Our energy solution will increase production of energy and improve its delivery as befitting an Information Age economy.

Our energy solution will also reduce America's dependence on foreign oil, create jobs, spur economic growth, and protect against economic downturns. In both cases, Mr. Speaker, the time is right, the bill is good, the need is absolute, and the benefits are immense.

This week is why we were elected, to keep our promise and fulfill America's.

## RACIAL AND ETHNIC HEALTH DISPARITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 2½ minutes.

Ms. SOLIS. Mr. Speaker, today I rise to acknowledge a tremendous achievement in the efforts to address racial and ethnic health disparities in this country. With the dedication of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from California (Mr. HONDA), and the gentleman from New Jersey (Mr. PALLONE), and with the guiding leadership of our leadership, the gentlewoman from California (Ms. PELOSI), as well as our Senate leaders, Senator DASCHLE and Senator KENNEDY, we have introduced a comprehensive bill to improve minority health.

Currently in our country, minorities endure a disproportionate burden of illnesses. Unfortunately, our health care system is not meeting the needs of all of its people.

Latinos, African Americans, Asians and Native Americans statistically outweigh nonminority whites in almost every disease, diabetes, cardiovascular disease, asthma, you name it.

For instance, diabetes is a chronic illness estimated to affect 18.2 million people in this year alone. Latinos are twice as likely to have diabetes than non-Latino whites and American Indians are more than twice as likely to be diagnosed with this debilitating disease.

Mr. Speaker, these diabetes trends are not isolated. One in four obese Latino children have early signs of type II diabetes; and in California alone, 66 percent of Latinos are overweight, which is higher than the national average.

Compound these health problems with the recently released census data showing that the rate of Latinos with health insurance was 32.4 percent in 2002. Here on this graph, it shows actually who the nonelderly noninsured are, including the ethnic and racial groups in the year 2002. Hispanics represent 30 percent; non-Hispanics represent 47 percent; Asian Pacific Islanders, 5 percent; and blacks represent 16 percent. This is a picture of those people who are working-poor that are uninsured.

The need for prevention is loud and clear, and we have to actively stop these rising trends in poor health care status. The Healthcare Equality and Accountability Act that we introduced

addresses these problem through inclusive and federally funded programs like Medicare and the State Children's Health Insurance Program, better known in California as Healthy Families.

Mr. Speaker, the bill will expand health insurance options through Medicaid to cover parents and pregnant women, young people up to the age of 20, which would help address the issues here outlined in the chart. It also gives the States the option to cover every resident living in poverty under Medicaid.

Another triumph in the bill is expansion of access to services by assisting health care professionals provide cultural and language services.

Mr. Speaker, I would ask for our colleagues on both sides of the aisle to adopt this legislation that we have put forward through the Tri-Caucus to help end the disparities and treatment of those that are still in our country that do not have any adequate health care.

Mr. Speaker, today I rise to acknowledge a tremendous achievement in the efforts to address racial and ethnic health disparities in this country.

With the dedication of my good friends Representative DONNA CHRISTENSEN, Representatives MIKE HONDA, Representatives FRANK PALLONE and the guiding leadership of Representatives NANCY PELOSI as well as our Senate leaders, especially Senators DASCHLE and KENNEDY, we have introduced a comprehensive bill to improve minority health.

Currently in our country, minorities endure a disproportionate burden of illness.

The community I represent is multicultural—about 60 percent of the residents are Latino and 20 percent are Asian American, and 40 percent of my constituents were born outside of the United States.

Unfortunately, our health care system is not meeting the needs of all people.

Latinos, African Americans, Asians, and Native Americans statistically outweigh non-minority whites in almost every disease—diabetes, cardiovascular disease, asthma, you name it!

For instance, diabetes is a chronic illness that is estimated to affect 18.2 million people in 2003.

However, Latinos are twice as likely to have diabetes than non-Latino whites and American Indians are more than twice as likely to be diagnosed with this debilitating disease.

But these diabetes trends are not isolated; over 1 in 4 obese Latino children have early signs of type II diabetes.

In California, 66 percent of Latinos are overweight, which is higher than the national average, and the highest percentage of any minority group.

Compound these health problems with the recently released Census data showing that the rate of Latinos without health insurance was 3.4 percent 2002.

Plus, over 87 percent of these uninsured are from working families.

That means one in three hard-working, tax-paying individuals in this country lack access to what is supposed to be the "best" health care system in the world.

The need for prevention is loud and clear—we have to actively stop these rising trends in

poor health status, especially when our children are at risk.

The Healthcare Equality and Accountability Act addresses these problems through inclusive and guaranteed expansions in federally funded health programs, like Medicaid and the State Children's Health Insurance Program.

This bill will expand health insurance options through Medicaid to cover parents and pregnant women, and young people up to age 20.

It also gives states the option to cover every resident living in poverty under Medicaid. And it guarantees funding for the Indian Health Service, bringing much-needed health care to this overlooked population.

Another major triumph of this bill is the expansion of access to services by assisting health care professionals provide cultural and language services, and increasing federal reimbursement for these services.

There are over 47 million people, or 18 percent of the US population, that speak a language other than English at home.

Over one in three Latinos report difficulty in understanding a medical situation when it is not explained to them in their own language.

In places like my district that have such a high proportion of limited English proficient individuals, language barriers can mean the difference between health and illness, and even life and death.

Over the summer, the Minority Caucuses in the House convened a Tri-Caucus Health Forum in Los Angeles to discuss racial and ethnic health disparities.

It was expressed over and over again by community members, researchers and advocates that our public health infrastructure is failing our minority communities.

Without assuring access to culturally and linguistically appropriate public health programs, without monitoring and collecting data on racial and ethnic minorities, and without strengthening our health professional workforce and institutions, our minority families will continue to endure health disparities.

What we have on our hands is an American public health dilemma that requires a responsible public health approach.

At a time when public health reforms, like the revision of Medicare, are sweeping through Congress, our minority communities are at the mercy of an unpredictable and untrustworthy public health system that ignores their health needs.

Instead of creating a sound, guaranteed prescription drug benefit for our seniors, the current Medicare proposal does nothing to reduce the cost of health care.

The only thing the Republican Medicare bill will do is overwhelmingly burden our low-income seniors and minority communities.

We must enact responsible legislation that improves the health of minority communities, that recognizes specific minority health needs, and works to prevent disease rates from climbing in our minority communities.

Let's use our Minority Health bill as a model of how we can actively eliminate racial and ethnic health disparities in our communities nationwide.

#### A NEW ENERGY POLICY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michi-

gan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this week we are taking up the energy bill, finally. As a member of President Nixon's Oil Policy Commission during the Arab oil embargo, I have long felt that not only we should, but we must do more to ensure domestic energy supplies.

After more than 2 years of negotiation, the House and Senate are poised to finally pass an energy bill, much overdue. The legislation will help make transmission networks more reliable to prevent the type of blackout that paralyzed us last August. It is going to reduce our dependence on foreign petroleum. It is expected to pass this week and become law, I predict, by Thanksgiving.

Over the long term, the United States must move away from its heavy reliance on petroleum for energy. As long as we consume 25 percent of the world's oil, while only possessing in this country 3 percent of the world's proven reserves, it will be nearly impossible to eliminate our dependence without alternatives.

American production is not going to substantially increase because this bill will not permit the development of our most promising new source of oil and natural gas in the Arctic National Wildlife Refuge because of fierce opposition. With opposition also to most offshore drilling as well, U.S. production is going to continue to fall. For lack of a better word, hostility against expanding our production in this country has been a major factor in production falling from 12 million barrels a day in 1970 to 8 million barrels a day now, a substantial reduction.

Conservation can help reduce petroleum consumption to some degree, but it cannot eliminate the critical need for new energy sources.

Mr. Speaker, a little bit of the good news: since 1970 our GDP has risen 147 percent while our consumption has only increased by 42 percent. The energy bill is going to help us do even better with the focus on more efficient appliances, electricity generation, increased automotive efficient; but as long as the economy continues to grow, conservation is only going to meet part of the need. It is very unlikely that it is going to lead to any reduction in total consumption.

As a result, the only real solution I think to our dependence on foreign energy lies in shifting consumption patterns away from oil towards other energy sources, and this is what this energy bill helps us do.

Where this bill shines is in its support for alternative fuels such as clean coal, ethanol, biofuels, renewable energies to make a shift away from petroleum possible.

Mr. Speaker, there are many talented people working on solutions attracted not just by government tax breaks and subsidies, but also the huge potential profit in store for an inventor who provides practical solutions to our energy

problems. For example, a week before last, the gentleman from California (Mr. ROHRBACHER), the gentleman from Maryland (Mr. BARTLETT) and I and some others met with a Russian physicist who had invented an engine that uses coal dust for fuel. It is more than 80 percent efficient, and that means it has almost zero pollution. These engines could allow us to make better use of our domestic coal reserves.

The energy bill conference report is over 1000 pages long, and I do not think most of us have had a chance to read it all yet, but I am excited about some of the potential it has. However, on the down side, it contains at least \$20 billion in tax credits for energy development and production. This is about twice as much as was in the House-passed bill. We are going to have to look closely at these tax breaks and look for special interest "pork" provisions that should not be in the bill.

I hope to support the bill if it is along the lines of what we passed in the House. We need to reduce our reliance on hostile and politically unstable Middle East fuel. Achieving energy self-sufficiency is going to improve our country's security for decades to come. This national energy policy shows us a way out of dependence. I hope we will give it due consideration and hopefully pass a good bill as quickly as possible.

#### THE RELATIONSHIP BETWEEN AL QAEDA AND IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, with each passing day, the President's critics become more emboldened in their attacks on what they decry as a misleading impetus to go to war. According to the information they are able to ascertain from 24-hour news channels and the New York Times, they continue to condemn the President's claim that Saddam Hussein had links to al Qaeda.

We have all heard their diatribes accusing the President of invading Iraq with little or no evidence that Saddam Hussein worked along Osama bin Laden. I recommend the recent article in the Weekly Standard's current issue that details the memo written in response to the administration's prewar intelligence. It is clear evidence of the nexus of terrorism with terrorist-sponsoring states that many antiwar advocates deny exists at all.

According to this memo, dated October 27, 2003, bin Laden and Saddam Hussein had an operational relationship from the early 1990s to 2003 that involved training in explosives, weapons of mass destruction, logistical support for terrorist attacks, al Qaeda training camps, safe haven in Iraq, and Iraq financial support for al Qaeda.

Mr. Speaker, the findings put forth in the memo come from a variety of do-

mestic and foreign agencies including the FBI, the Defense Intelligence Agency, the CIA, and the National Security Agency. Much of the evidence is detailed, conclusive, and corroborated by multiple sources.

Some of it is new information obtained in interviews with high-level Al Qaeda terrorists and Iraqi officials and some reaches back a decade. Not surprisingly, the picture that emerges is one of long-standing collaboration between two of America's most grave enemies. According to the memo which lays out the intelligence in 50 numbered points, Iraq-al Qaeda contacts began in 1990 and continued through mid-March 2003, days before the Iraq war began. So in effect, Mr. Speaker, this information has been accumulated over three administrations.

The relationship began shortly before the first Gulf War. According to the memo, bin Laden sent emissaries to Jordan in 1990 to meet with Iraqi government officials. At some unspecified point in 1991, according to CIA analysis, Iraq sought Saddam's assistance to establish links to al Qaeda. Both parties were equally interested in developing that relationship and according to the CIA reporting memo, bin Laden wanted to expand his organization's abilities through ties in Iraq.

The cumulative weight of the intelligence is compelling. Even The Washington Post recommends that its readers examine the evidence and decide for themselves. The notion that the pragmatic Saddam Hussein, who had grown closer and closer to extreme terrorists in the 1990s, would avoid any contact with al Qaeda and Osama bin Laden is not a reasonable conclusion to draw. The alliance is a natural one. With al Qaeda now claiming responsibility for the recent attacks on synagogues in Turkey, we are reminded of our duty to respond.

Were the President to have completely ignored this information, the world would have to face potentially horrifying consequences. Yet today's critics seem eager to claim even after 9/11 the administration should only have acted against Saddam if it has proven beyond any reasonable doubt that he, Saddam, was in league with al Qaeda.

Hopefully, this report provides the evidence that is needed to make this link. This information is reaffirming our need to topple Saddam. After so many years of complacency, weakness, and denial, the President made the decision to oust Saddam. He took the action, the action that was vital to protect our country.

#### HEALTH CARE EQUALITY AND ACCOUNTABILITY ACT OF 2003

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized during morning hour debates for 2½ minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today on behalf of thousands of Ameri-

cans, millions of Americans that suffer from lack of access to health care. Our Health Care Equality and Accountability Act of 2003 would expand health care coverage by providing States the option to increase eligibility and streamline enrollment in Medicare and the CHIP program.

This piece of legislation, this landmark legislation, addresses the significant gap in health care coverage and accessibility provided to Americans. This bill is endorsed by the African American Caucus, the Hispanic Caucus, as well as the Native American Caucus and the Asian Pacific Caucus and a lot of Democrats. But it is also not a Democrat or Republican; it should be a united effort in addressing the needs of our constituencies when it comes to health care.

Mr. Speaker, when it comes to health care we recognize the fact that there is a great gap that exists out there among our constituency. For example, in the Latino community, 19 percent of all Hispanics depend on Medicare for their health care. So it becomes important that Medicare continues to be there for us. And I am concerned that at this time we continue to look at dismantling Medicare as we know it now.

Minorities disproportionately suffer from high rates of life-threatening diseases and are less likely to have health insurance. We recognize that and that is why we need to be responsive, not just as Democrats but also as Republicans, working together to meet the needs of our constituencies that are out there.

Mr. Speaker, when it comes time for them to be fighting and defending our country in Iraq, we do not look to whether they are Hispanic or whether they are black. We work together and we ought to do the same here in making an effort to respond to their needs. As we look at the piece of legislation that we have drafted, it is a piece of legislation that looks at all the disparities. It looks at the number of uninsured and provides appropriate safeguards to protect privacy. This bill also helps in those areas.

The bill begins to look at those who are uninsured out there. And once again we have a large number of Latinos uninsured, as well as African Americans and other populations that are having a rough time getting access to health care.

Not to mention, Mr. Speaker, the fact that when it comes to prescription drug coverage, shame on us. We need to begin to look in terms of how do we meet that need. The bill that is before us this week on Medicare is a bill that begins to dismantle Medicare, two proposals, one in the Senate and one in the House, that are not worth the paper that it is written on.

So it becomes important for us to really solve the problems that confront us. I urge all Members, both Republicans and Democrats, to begin to look at addressing this issue.

## MEDICARE CONFERENCE REPORT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Georgia (Mr. GINGREY) is recognized during morning hour debates for 1 minute.

Mr. GINGREY. Mr. Speaker, I rise today in support of the Medicare conference report. This is a historic step in the right direction for our Nation's senior citizens. We are positioned to pass legislation to help seniors pay for the rising costs of prescription medications. Low-income seniors will be able to obtain the help they need and every senior will have the peace of mind of knowing that out-of-pocket catastrophic costs will not bankrupt them.

This legislation will provide the largest comprehensive rural package ever considered and updates and sets hospital payments at appropriate levels for 2005. The conference report also blocks a proposed 4.5 percent Medicare reimbursement cut to physicians for the years 2004 and 2005, and instead provides a 1.5 percent positive update for these 2 years.

The Medicare conference report has received the strong support of our health care community and the AARP, representing 35 million seniors.

Mr. Speaker, I urge my colleagues to vote in favor of our senior citizens and pass this bill.

#### MINORITY HEALTH CARE DISPARITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from California (Mr. HONDA) is recognized during morning hour debates for 2½ minutes.

Mr. HONDA. Mr. Speaker, I rise today to discuss the current health disparities as they relate to minority health care. More importantly, I want to talk about the solution, the Health Care Equality and Accountability Act.

My district, alone, of Santa Clara County, California, is extremely diverse. Mr. Speaker, 30 percent of my community are Asian Americans and Pacific Islanders, 17 percent are Latinos, and 34 percent are foreign born, 43 percent speak a language other than English.

Despite the increasing diversity of our Nation, our health care system is not meeting the needs of our community, and our racial and ethnic minorities are too often denied the high-quality health care that most Americans receive.

According to the 2000 census data, the number of individuals who speak a language other than English at home has reached almost 45 million, and 19.5 million speak English less than very well, an increase of 40 percent from 1990.

There are two important things about our communities: number one, this bill and the solution codifies existing standards for culturally and linguistically appropriate health care, au-

thorizes a new center in the Office of Minority Health to assist in cultural and language services, and increases Federal reimbursements for these services.

Another area is data collection. Data is a crosscutting issue. Lack of data impacts our understanding of the health problems in our communities as well as the problems in access and quality. Adequate data collection continues to be a challenge for APAs. Though often mistaken to be a homogeneous group, the Asian Pacific group encompasses 49 ethnicities speaking over 100 languages.

Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicity it encompasses.

So what do we need to do? We need to be able to provide health insurance coverage; increase workforce diversity; reduce disease complications; provide cultural and linguistic services; attain quality data; strengthen health institutions to all minorities, Asian and Pacific Islanders, African Americans, Hispanics, Native Americans, Alaskan Natives and Native Hawaiians.

Mr. Speaker, in solidarity with the Democratic leadership and minority caucuses, we call on our colleagues and the Chief Executive in the White House to help enact the solution for minority populations across this great Nation, the Health Care Equality and Accountability Act.

#### SUPPORT FOR THE ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized during morning hour debates for 1 minute.

Mr. SHUSTER. Mr. Speaker, I rise in support of the Energy Policy Act of 2003. In recent years, U.S. policy, or lack of it, has encouraged consumption and discouraged production. In response, Congress and the President have developed a national energy policy to promote dependable, affordable and environmentally sound production and distribution of energy for the future.

Most importantly, this bill will prevent the loss of jobs due to high energy prices and help create new ones. I am pleased with the provisions in this bill that affect rural America. Rural America has assisted the United States in its times of crisis and also in times of innovation. Our rural electric co-ops have been a huge part of that innovation.

I am pleased that this bill protects our rural cooperatives from unnecessary Federal costs and obligations and recognizes the unique role they play in our Nation's electric system.

Mr. Speaker, I am also pleased that there are significant provisions to promote the use of coal.

Both Houses of Congress have worked tirelessly toward a comprehensive na-

tional energy policy that promotes conservation, reduces our growing dependence on foreign oil, and improves our economy. It is time we passed this legislation for the good of this Nation.

#### ELIMINATION OF DISPARITIES IN HEALTH CARE FOR MINORITIES LONG OVERDUE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. WATSON) is recognized during morning hour debates for 2½ minutes.

Ms. WATSON. Mr. Speaker, as former chair of the California Senate Health Committee for 17 years, let me say how pleased I am with the comprehensive legislation that the Health Care Equality and Accountability Act of 2003 contains. The elimination of racial and ethnic disparities is an issue whose time is long overdue, and I commend the CBC Brain Trust, the Tri-Caucus, the Democratic leadership, the Senate Health Committee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), Senator TED KENNEDY, and everyone else who remained vigilant in completing this project.

As Americans, we take pride in our diversity, and it is our greatest achievement that based upon that diversity, whether it is economic, political, or cultural diversity, we have built a Nation that is dedicated to providing equal opportunity for all. But, Mr. Speaker, much needs to be done before we can say that we have accomplished that goal, most notably in the field of health care.

Racial and ethnic minorities too often are denied the high quality health care that most Americans receive. The Federal Government has recognized this serious problem and has set the goal of eliminating health disparities by the end of the decade. House and Senate Democrats have introduced legislation, the Health Care Equality and Accountability Act of 2003, that takes an important step towards making this national goal a reality.

We may have the finest health care system in the world, but too many of our people receive too little health care and are denied the right to lead full lives.

The reality is that the health care needs of minority Americans are often greater than those of white Americans. Minority populations disproportionately suffer from many diseases. Minority groups have higher rates of acute conditions such as tuberculosis, HIV/AIDS, chronic diseases, diabetes, heart disease and stroke, and many forms of cancer. In addition, minority women are at greater risk than white women for pregnancy-related complications, and their babies are at higher risk of dying during their first year of life.

Despite a substantial need for health care, minority groups often encounter

obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive appropriate health care services.

Mr. Speaker, I ask all of my colleagues to support our Health Care Equality and Accountability Act of 2003 so we can improve the health of all Americans.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the need for racial equity in health care in our great Nation.

As a former nurse, I have spent much of my public career working to ensure that the nation's health care system is affordable and provides the best services possible to all Americans.

Disparities in the burden of death and illness experienced by African-Americans, as compared with the U.S. population as a whole, have existed since the government began tracking such statistics. These disparities persist, and in some areas continue to grow.

Cardiovascular disease is the leading cause of death for all racial and ethnic groups, with a disproportionate burden of death and disability from cardiovascular disease in minority and low-income populations.

The prevalence of diabetes in African Americans is approximately 70 percent higher than whites. Racial and ethnic minorities have higher rates of hypertension, tend to develop hypertension at an earlier age, and are less likely to undergo treatment to control their blood pressure.

Many minority groups suffer disproportionately from cancer and disparities exist in both mortality and incidence rates.

For men and women combined, African-Americans have a cancer death rate about 35 percent higher than that for whites. African-American women develop breast cancer less often than do white women, but have a higher mortality rate (27 per 100,000), due most likely to later diagnosis and late entry into treatment. African-American and Hispanic women have higher cervical cancer death rates.

The incidence rate for lung cancer in African-American men is about 50 percent higher than in white men and the death rate is about 27 percent higher.

The prostate cancer mortality rate for African-American men is more than twice that of white men.

African-American women are less likely to receive care, and when they do receive it, are more likely to have received it late. For example, one out of four African-American mothers did not receive prenatal care during the first trimester during 1999. Other risk factors, such as obesity, contributes to heart disease, diabetes, and stroke. Approximately 69 percent of African-American women between the ages of 20 and 74 were overweight during the period 1988 through 1994.

The prevalence of obesity in minority populations can be as much as three times higher than that of whites, and is higher among women than men. African Americans and Hispanics have a particularly high prevalence rate of obesity as do Pacific Islanders, Native Americans, Alaska Natives, and Native Hawaiians.

More than 75 percent of AIDS cases reported among women and children occur in minority women and children. While racial and

ethnic groups account only for about 25 percent of the total United States population, they account for more than 50 percent of all AIDS cases.

Children from minority communities are disproportionately represented among those with incomplete immunizations. In addition, infant death rates among minority populations are above the national average, with the greatest disparity existing among African Americans. Minority populations are at the greatest risk for SIDS.

The rates for the uninsured minority are quite frightening. Blacks and Latinos are far more likely to be uninsured when compared to their Anglo or white counterparts.

Nationally, 11.6 percent of the Anglo population, 20.1 percent of the African American population and 34.8 percent of the Hispanic population are without health insurance. In Texas, while 12 percent of whites are uninsured, 21.2 percent of African Americans and 36.7 percent of Hispanics do not have medical coverage.

That is why I am an original cosponsor of The Healthcare Equality and Accountability Act of 2003. The Healthcare Equality and Accountability Act of 2003 would reduce health disparities and improve the quality of care for racial and ethnic minorities by:

First, expanding health coverage. To reduce the number of minorities without health insurance, the bill would give states the option to expand eligibility and streamline enrollment in Medicaid and the State Children's Health Insurance Program.

This bill also removes language and cultural barriers to good health care that plague many of our minority communities.

Because language and cultural differences create barriers to health care, the bill would help patients from diverse backgrounds, including those with limited English proficiency, with provisions such as codifying existing standards for culturally and linguistically appropriate health care, assisting health care professionals provide cultural and language services, and increasing federal reimbursement for these services.

Instruments in this bill have been put in place to encourage workforce diversity. Increasing the number of minority health care providers will improve access to care because these providers are more likely to serve low-income, uninsured, and minority patients.

Date collection would be improved to better identify sources of health disparities, implement effective solutions, and monitor improvement.

Under this bill, the Office of Civil Rights and the Office of Minority Health and the Department of Health at Human Services (DHHS) would be expanded to promoting accountability and reduce health disparities.

And finally, this bill strengthens health institutions that serve minority populations. By establishing loan and grant programs, health institutions that provide substantial care to minority populations will receive necessary funding to carry out their mandates.

Protecting the health care of citizens, no matter their ethnicity or race, should be the number one priority of any great nation. An investment in our health care system is one of the wisest investments we can make for the future of this country.

Now is the time for all Americans to have equal access to quality health care and mean-

ingful patient protections. That is why I urge my colleagues to support this legislation. Our citizens deserve and expect nothing less.

Ms. LEE. Mr. Speaker, I am proud to stand here with the membership of the Congressional Black Caucus, the Hispanic Caucus, the Asian-Pacific American Caucus, and the caucus for all Americans, the Democratic Caucus, in support of inclusive, quality, affordable health care for all Americans. I want to thank the gentlelady from California for her consistent leadership on these many issues important to those with no voice.

Democrats are committed to the elimination of racial and ethnic disparities in health care access, health care quality, health outcomes and the diversity of the health care workforce because all Americans deserve equal treatment and care.

A proper investment in health care will improve both the health and economic well-being of all our country and that's why we came together and drafted the Healthcare Equality and Accountability Act of 2003, which our caucuses introduced on November 6, 2003.

Our goal is the complete elimination of racial and ethnic health disparities and I believe this bill provides a major first step toward that goal.

The goal of equity in health care must be met, particularly in a country that boasts about upholding and spreading democracy and human rights.

It is criminal that in the United States the color of your skin and the languages that you speak can make you more likely to die of HIV/AIDS, heart disease or diabetes, as a result of our negligent and culturally insensitive health care system.

We came together because we saw a need to offer solutions for the inclusion and the prioritizing of minorities in the health care system which today remains sorely inadequate.

In this bill, we have diagnosed the major health care shortfalls and provided sound and culturally-conscious solutions.

1. We ask for an expansion of the health care safety net, which will increase the availability, quality, and affordability of health coverage options that provide meaningful access to health services.

2. We ask for much needed diversification of the health care workforce, which will reflect the communities that have been neglected while incorporating a personal understanding of the backgrounds, experiences, languages, and perspectives of the minority people.

3. We ask that health care be declared not only a human right, but a basic civil right, and that every part of the 1964 Civil Rights Act is honored.

4. We ask for aggressive collection and dissemination of data on minorities to become a priority for the health care community.

The collection of this data keeps us on the pulse of our communities. We cannot help the minority community if we are blinded by Prop. 54's and other antiquated rules and regulations that negate the advances health care professionals have attempted.

5. We ask for a complete assault on HIV/AIDS and other diseases that are disproportionately killing the minority community.

Undiagnosed and uncared for, over 43 million Americans are uninsured—half of whom are minorities.

Further, those who have access to care are still dying of diseases that go undetected and

undiagnosed because the quality of their care is sub par.

We cannot stand by while the pharmaceutical and private insurance industries profit off of our communities.

We cannot stand by while rates of prostate and breast cancer, diabetes, and high blood pressure disproportionately take the lives of people of color around this country.

We cannot stand by while this Republican led Congress privatizes Medicare and cushions the pockets of their industry donors with the prescription drug bill, H.R. 1.

And finally, we cannot allow the Congress to pass any more health related legislation that doesn't have at heart the interests of the African American, Latino, Native American, or our Asian and Pacific Islander communities.

We will win the battle against ethnic and racial health disparities, because we are united.

I thank the leadership of all the caucuses who worked so diligently on this bill and I thank the Congressional Hispanic Caucus for designating this hour to talk about this progressive and comprehensive bill.

#### SUPPORT A BIPARTISAN MEDICARE PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized during morning hour debates for 1 minute.

Mrs. CAPITO. Mr. Speaker, I rise today to encourage my colleagues on both sides of the aisle to come together in support of the bipartisan Medicare prescription drug plan. The AARP, the American Association of Retired Persons, the largest senior organization in the Nation, has endorsed the plan which will bring relief to 40 million seniors.

Immediately, right away, seniors will be able to save up to 25 percent through a prescription discount card. This is a savings never seen before by America's seniors.

The plan goes a long way in assisting seniors with low incomes and those who pay a large amount of money for their prescription drugs.

Mr. Speaker, this bill has the support of Members of both parties. It has the support of the leading advocate for seniors in the Nation, and will have my support when it passes this body. I urge my colleagues to join me so that we can give our seniors the modern Medicare benefit they deserve.

#### GOLDEN HARVEST FOOD BANK OF AUGUSTA, GEORGIA

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Georgia (Mr. BURNS) is recognized during morning hour debates for 1 minute.

Mr. BURNS. Mr. Speaker, we are quickly approaching a season known for giving thanks and goodwill. Next week is Thanksgiving. Far too often, we fail to recognize those who work year-round to improve the lives of the less fortunate.

This Friday, the Golden Harvest Food Bank in Augusta, Georgia, will celebrate the successful conclusion of its \$2 million "Feed the People" capital campaign. Through business and community generosity, Golden Harvest Food Bank will be able to reach nearly 71,000 families every year in its 25-county service area in both Georgia and South Carolina.

In this Nation of abundance, some still go without the basics that others of us take for granted. I am thankful that we have individuals who give time, service, and donations to see that these basic needs are met.

Mr. Speaker, in this time of giving thanks, let us remember those who worked tirelessly throughout the year to help the less fortunate.

#### CONSIDERING THE WORDS OF EDMUND BURKE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Tennessee (Mr. DUNCAN) is recognized during morning hour debates for 1 minute.

Mr. DUNCAN. Mr. Speaker, the current issue of the American Conservative Magazine has an article by Owen Harries that says, quote: "In the 1770s, when Britain had recently added North America and India to its Empire, when its economy was the strongest in the world, when it ruled the seas, it occupied a position not too different from the one occupied by the United States today."

Then the great statesman, Edmund Burke, godfather of conservatism, issued this warning: "Among precautions against ambition, it may not be amiss to take precautions against our own. I must fairly say, I dread our own power and our own ambition. I dread our being too much dreaded. We must say that we shall not abuse this astonishing and hitherto unheard of power." Edmund Burke continued, "But every other nation will think we shall abuse it. It is impossible but that sooner or later this state of things must produce a combination against us which may end in our ruin."

Mr. Speaker, we should consider these words of Edmund Burke today.

#### REPUBLICANS' MEDICARE PRESCRIPTION DRUG "HOAX"

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. PELOSI) is recognized during morning hour debates.

Ms. PELOSI. Mr. Speaker, this should be a historic week in the life of our Nation. Instead, it is a tragic week. We should be celebrating Congress' keeping its promise to seniors and disabled Americans to provide a real guaranteed defined prescription drug benefit under Medicare. Instead, we are witnessing another Republican empty promise. Nothing short of a historic hoax on 40 million seniors and disabled Americans.

Mr. Speaker, America's seniors and disabled citizens have looked to Congress for help. Instead, Republicans have perpetrated, as I said, this cruel hoax on seniors, proposing an Alice in Wonderland bill in which logic is turned on its head and everything means the opposite.

A real, guaranteed, defined prescription drug benefit under Medicare could have been the product of bipartisan debate and discussion. Instead, this Republican hoax is a partisan scheme rammed through the Congress and negotiated in back rooms.

Republicans locked House Democrats out of negotiations, or better yet their "deal-making," and in so doing they locked out the 130 million Americans we represent. Seniors, veterans, disabled Americans, rural Americans, African Americans, Hispanic Americans, America's seniors deserve better.

A real guaranteed prescription drug benefit under Medicare would put seniors and the disabled first. Instead, this Republican hoax subverts the public interest for the special interests, putting seniors at the mercy of the HMOs, creating a giant slush fund for HMOs, and creating windfall profits for the big pharmaceutical companies.

Mr. Speaker, America's seniors deserve better. A real guaranteed defined prescription drug benefit under Medicare would reduce costs to seniors and taxpayers. Instead, this Republican hoax increases drug costs, actually prohibiting the government from negotiating lower costs. Imagine that, this bill prohibits the government from negotiating for lower costs.

Republicans have instituted means testing for the first time, forcing millions of seniors to pay more for benefits they already have. Make no mistake, under this scheme, millions of Medicare beneficiaries will pay more, not less.

America's seniors deserve better.

Mr. Speaker, a real guaranteed benefit under Medicare would include all seniors and disabled Americans. Instead, this Republican hoax leaves most seniors and disabled worse off than before. According to the Congressional Budget Office, millions of retirees who get their benefits from their employers will lose their coverage. Let me repeat that. According to the Congressional Budget Office, millions of retirees who get their benefits from their employers will lose their benefits.

Nearly half of all Medicare beneficiaries, almost 20 million seniors and disabled Americans, will fall into the coverage gap, meaning they will pay premiums every month but receive no benefits in the final months of every year, a monthly premium without monthly benefits.

America's seniors deserve better.

Finally, a real guaranteed prescription drug benefit under Medicare would be just that under Medicare, which seniors have known and trusted for 40 years. Instead, this Republican hoax tries to dismantle and unravel Medicare with a voucher program that



pushes seniors into HMOs. This is no longer a debate just about including a prescription drug benefit in Medicare. Republicans are trying to dismantle the Medicare program that seniors have known and trusted, again, for 40 years. Mr. Speaker, this is completely unacceptable.

Republicans have been clear. They want to kill Medicare and privatize it. During the debate on the Republican bill this summer, the Republican chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), said, and I quote: "To those who say that it would end Medicare as we know it, our answer is we certainly hope so." And as my colleagues know, the leadership of this body, the Republican leadership, has been on record as saying Republicans want to see Medicare "wither on the vine," to use their words.

Mr. Speaker, Democrats have been equally clear. We want to save Medicare and protect it. America's seniors see through the Republican rhetoric. This is not the beginning of a real prescription drug benefit under Medicare. This is the beginning of the end of Medicare as we know it.

America's seniors deserve better.

Mr. Speaker, our seniors are smart. They see through this Republican hoax for what it is and for what it is not. It does not put seniors and disabled Americans first. It does not reduce costs. It does not include all seniors and disabled Americans. And it is not under Medicare.

In short, this Republican hoax is not the real guaranteed defined prescription drug benefit under Medicare that our seniors want, that they need, and that they deserve.

Mr. Speaker, our seniors deserve better. They are the Greatest Generation. They have fought our wars. They came home and raised our families. They built a new America. The prosperity and quality of life that we enjoy today is owed to their lives of hard work and sacrifice. But today, seniors and disabled Americans are asking why, why is this, the wealthiest Nation in human history, not keeping its faith with its seniors, the citizens who built this country?

Mr. Speaker, the answer is simple: priorities. Republicans have different priorities, a few Republicans behind closed doors making deals that would rather give massive tax breaks to the wealthiest 1 percent of Americans than give a real prescription drug benefit to seniors who desperately need it. If I can paraphrase Winston Churchill: never in history have so few worked so hard to take away so much from so many. That is the Republican back-door deal-making.

Mr. Speaker, I urge my colleagues to vote against the Republican hoax, and I urge them to demand that Congress keep working to keep its promise to seniors by providing a real guaranteed defined prescription drug benefit under Medicare that our seniors want, need,

and deserve. I hope it is not too late for that. Democrats have been knocking on the door constantly saying, Let us in. Let the Democrats in. Let us work together in a bipartisan way to build a real defined guaranteed benefit under Medicare for our seniors that has bipartisan support and that will be sustainable over time. Instead, the Republicans did not allow House Democrats in the room.

Why is that important? That is important because we represent over 130 million Americans. That is important because within our caucus we have the benefit of the thinking of a large African American Black Caucus, our Hispanic Caucus, our Asian Pacific American Caucus, a large number of women in our caucus. We work hard on the issues here in the Congress. The thinking of this diverse group of people is very dynamic and quite different from the back-room deal makers that the Republicans wrote this bill with.

By excluding Democrats from the room, the Republicans excluded the strength of America, the benefit of the thinking of a very distinguished group of representatives of the American people. No wonder we ended up with a product that, do not take my word for it, read the Wall Street Journal today and see who wins in this bill. It is the pharmaceutical companies; it is the HMOs. The consumer comes in last.

This bill is not a defined real guaranteed benefit under Medicare. It does not meet that standard. It will not have my support, and I hope it does not have the support of a majority of the Members of this body.

#### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my morning hour speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### UNIVERSAL MEDICARE DRUG PLAN IS A PRESCRIPTION FOR DISASTER

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, despite the very best efforts of our House Republican leadership, I rise to oppose the prescription drug bill that will be considered before the Congress this week.

It would, in fact, represent the largest expansion of Medicare in 35 years. Nancy-Ann DeParle, President Clinton's Medicare administrator, actually called this legislation the biggest expansion of government health benefits since the Great Society. And so it will be.

I have consistently said that I would support the creation of a national prescription drug benefit in Medicare only if it is fiscally responsible and includes free market reform measures, which this legislation fails to do on both counts.

Only by significantly reforming Medicare along the lines that President Bush initially requested, can we act in a way that is responsible and meet the urgent and real needs of seniors for prescription coverage.

Of course there are seniors near the poverty level who need immediate help with the cost of prescription drugs. Nearly 24 percent of seniors have no access to prescription coverage, and about 5 percent have out-of-pocket costs of more than \$4,000 per year. For those seniors, our national government should respond with a drug discount card or some form of direct subsidy, and I have supported these efforts.

Sadly, the prescription drug plan currently being advanced in the Congress lacks such specificity and focus and actually would create a universal drug benefit that provides a government entitlement for every American over the age of 65, a population of some 37 million today that will grow to some 70 million in the year 2030.

While the need for some type of benefit is real, the need for a universal drug benefit is not. At present, 76 percent of seniors have prescription drug coverage, and the average senior spends less than \$999 per year in out-of-pocket expenses. And as always happens when Congress creates a massive new bureaucracy, there will likely be unintended consequences as well. Mr. Speaker, chief among them could be that millions of Americans with prescription drug coverage from a former employer could lose it. The Congressional Budget Office has estimated that this could happen in the tens of thousands.

But the most ominous consequence of a universal drug entitlement could be that it will usher in the beginning of socialized medicine in America. This type of system which is built on unrealistic fiscal projections and incorrect assumptions about human behavior would invariably lead to escalating costs for which price controls and outright government control would be seen as a last resort. In an America where abortion is legal and euthanasia is increasingly accepted, the American people would do well to ponder the implications of government-run health care in America.

Let us reform Medicare so it will be there for the future without placing an undue burden on our children and grandchildren. But beyond that, let us do no harm to the greatest and most diverse health care system in the history of the world. By agreeing to a prescription drug benefit for all seniors, rather than just those in need, Congress threatens our Nation's fiscal stability, the private prescription plans of



millions of seniors, and the very survival of our free market health care system.

Mr. Speaker, Despite the very best efforts of House Republican leadership, I rise to oppose the prescription drug bill that will be considered before Congress this week. It would in fact represent the largest expansion of Medicare in 35 years.

As Nancy-Ann DeParle, President Clinton's Medicare administrator, said, this would be "the biggest expansion of government health benefits since the Great Society." With an annual federal deficit of more than \$400 billion, I will support the creation of a national prescription drug plan only if it's fiscally responsible and includes free market Medicare reform measures.

Only by significantly reforming Medicare along the lines the President originally intended can we afford to meet future obligations, including a prescription drug benefit.

Of course, there are seniors near the poverty level who need immediate help with the cost of prescription drugs. As I have witnessed in more than 100 town hall meetings across eastern Indiana, the necessity of some prescription assistance for seniors near the poverty level is beyond dispute.

Statistics show that nearly 24 percent of seniors have no prescription drug coverage and approximately 5 percent of seniors have out-of-pocket prescription costs of more than \$4,000 per year. For these seniors, our national government should respond with a drug discount card or some form of means-tested direct subsidy. I have and will continue to support efforts at the national level to focus prescription assistance on seniors struggling near the poverty level.

Sadly, the prescription drug plan currently being advanced in the House and Senate lacks such focus and actually would create a universal drug benefit that provides a government entitlement for every American over the age of 65, a population of some 37 million today that will grow to 70 million by the year 2030.

While the need for some type of benefit is real, the need for a universal benefit is not. At present, 76 percent of seniors have some form of prescription drug coverage, and the average senior spends less than \$999 per year in out-of-pocket expenses on medications.

Not only is the need for a universal public subsidy questionable, adding a universal drug benefit to Medicare may have certain unintended consequences. Namely, seniors with private coverage from a former employer may actually lose their coverage. The Congressional Budget Office recently estimated that thousands of seniors could lose coverage they currently enjoy from a former employer if Congress creates this new entitlement.

The final, and most ominous, consequence of a universal drug benefit could be that it will usher in the beginning of socialized medicine in America. This type of system, which is built on unrealistic fiscal projections and incorrect assumptions about human behavior, will invariably lead to the kinds of escalating costs for which price controls and outright government management will be seen as the last resort. The consequences of such a government expansion are moral as well. In a society that sanctions the abortion of unborn human life and is increasingly open to euthanasia and

physician-assisted suicide, our values and our freedoms would argue against turning the health of the American people over to the federal government.

Compassionate conservatism is about focusing solutions at the point of the need. Let's help our seniors near the poverty level with urgent and sufficient prescription coverage. Let's reform Medicare so it will be there for the future without placing an undue burden on our children and grandchildren. And let's otherwise "do no harm" to the private sector foundation of the greatest healthcare system in the history of the world.

For all these reasons, I oppose a universal drug benefit in Medicare. By agreeing to a prescription benefit for all seniors rather than those in need, Congress threatens our nation's fiscal stability, the private prescription plans millions of seniors and the survival of our free market healthcare system.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a), rule I, the House stands in recess until 11 a.m. today.

Accordingly (at 10 o'clock and 50 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 11 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and Earth, the sacred scriptures tell us that You do not have favorites, but that anyone of any nationality who fears You and chooses what is right is acceptable to You.

Yet there is a patriotic sense surrounding this place today where we pray. Here patriotism has formulated affection and faithfulness in these United States. Here the American people claim an astounding history and build upon a constitutional foundation. The Capitol forms bonds of devotion and loyalty among Your people and proudly represents this land of the free and home of the brave.

Be with the Members of the House of Representatives today as they pass laws and determine public policy for this Nation. Guide them now as You have in the past because it is in You, O God, we place our trust, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. JACKSON-LEE of Texas. Madam Speaker, pursuant to clause 1, rule I, I

demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

## RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

The Clerk called the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Right-of-Way Conveyance Validation Act of 2003".

### SEC. 2. VALIDATION OF ADDITIONAL RAILROAD CONVEYANCES, SAN JOAQUIN COUNTY, CALIFORNIA.

Section 4 of the Railroad Right-of-Way Conveyance Validation Act (Private Law 103-2; 108 Stat. 5061) is amended by adding at the end the following new paragraphs:

"(9) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Bank of America, as trustee of the last will and testament of Aaron Herschel, recorded September 27, 1945, in volume 942 at page 104 of the official records of the county of San Joaquin.

"(10) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Tri-Valley Packing Association, recorded November 13, 1957, in volume

2016 at page 149 of the official records of the county of San Joaquin."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

#### HONORING GUS CASTELLANOS, HOST OF "THIS WEEK IN GARDEN GROVE"

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Gus Castellanos, creator, executive producer, and host of "This Week in Garden Grove," a TV news show that is in my district of Garden Grove, California.

In 1985, Gus began working at Channel 3, a local TV station, when city officials decided to start a local cable show. When no one volunteered for the project, Gus happily stepped up to the task. Learning the ins and outs of running a cable news show, Gus quickly crafted a program that would highlight the achievements of the people and city of Garden Grove. In the 10 years the show has been running, Gus has endeared himself to thousands in our community as nearly half the city tunes in each week to his show.

I want to congratulate everyone involved on the 10th anniversary of "This Week in Garden Grove." But I especially want to thank Gus, who has always been a friend and who has shown that one person can take the initiative to create something that makes an incredibly positive contribution to a community.

#### HOUSE TO CONSIDER ENERGY BILL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, here it is, the long-awaited, secretly negotiated energy bill, a bill carefully designed to perpetuate our dependence on foreign oil, brokered by national, international, multinational conglomerates which will be subsidized to the tune of \$25 billion by United States taxpayers; the Enron provision to repeal the Public Utility Holding Company Act, guaranteeing a new round of mergers, speculation and rip-offs of electric consumers.

I can see only one benefit in this bill. It is huge, it is heavy, it is made of paper. If we take and send a copy to every American taxpayer and consumer, they can throw it in the wood stove or the fireplace and get a little bit of warmth, but that will be the only benefit they get out of this legislation.

#### WELCOMING TRADE MINISTERS TO MEETING OF FREE TRADE AREA OF THE AMERICAS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Madam Speaker, as chairman of the Florida congressional delegation, I welcome trade ministers from 34 democratic countries to Miami, Florida, for the latest ministerial meeting of the Free Trade Area of the Americas currently under way. Scheduled for completion in 2005, the FTAA would represent the largest free trade area in the world, encompassing these 34 nations with a combined population of 800 million people. The FTAA will be a linchpin to economic growth, spurring trade and investment to the benefit of United States businesses, labor and consumers alike.

In addition, I urge the selection of Miami as the permanent home of the FTAA secretariat. The Florida delegation remains committed to ensuring an FTAA secretariat in Miami because of the city's rich cultural and business ties to Latin America. In fact, this House in April of 2000 voted unanimously in support of Miami's designation. With three international airports and three seaports, Miami is truly the gateway to the Americas. In fact, Enterprise Florida has estimated the creation of 90,000 new jobs and an increase of \$13.6 billion annually to Florida's gross State product.

Again, I welcome the international community to south Florida, and remain mindful that trade alone is only part of the FTAA equation. The principles underlying a commitment to free trade are the same principles that foster free societies.

International trade is more than just the exchange of goods and services. It is the economic fabric that ties together like-minded Democratic governments and societies.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gen-

tleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Madam Speaker, House Resolution 444 is a standard rule that provides for consideration of the conference report to accompany H.R. 2754, the Energy and Water Development Appropriations Act for the fiscal year ending September 30, 2004. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report will be considered as read.

Madam Speaker, the underlying conference report is the result of hard work and compromise by the energy and water appropriations conference committee. The conference report suggests a strong civil works program with the Army Corps of Engineers. By concentrating \$4.5 billion on the traditional tasks such as flood control, shoreline protection, and navigation, which yield the most economic benefit for the Nation, the bill ensures the highest possible return on taxpayer investment.

Within the agreement, the Department of Energy is provided with \$22 billion. Included in that funding is nearly \$350 million for renewable energy programs and \$393 million for nuclear energy programs. Specific programs funded within the Department are the nuclear energy research initiative of \$11.6 million, \$6.5 million for the nuclear hydrogen initiative, and \$68 million for the advanced fuel cycle initiative. Adequate and needed funding is provided for science programs within the Department, including high-energy physics, nuclear physics, biological and environmental research, fusion energy research, and advanced scientific computing research.

The nuclear waste program continues to be one of our highest environmental priorities and one that is of particular importance to my region. I am also pleased that the conference report provides a total of \$580 million for nuclear waste disposal. Additionally, \$7.6 billion is provided for environmental management cleanup activities, continuing the strong commitment to accelerate cleanup schedules at contaminated sites throughout the country.

□ 1115

This funding is vital in reducing public health and safety risks. The conference report also provides \$8.7 billion for the National Nuclear Security Administration, which includes the nuclear weapons program, defense nuclear nonproliferation, and Naval reactors.

In closing, Madam Speaker, I would like to commend the gentleman from Ohio (Chairman HOBSON) and all of the distinguished conferees on both sides of the aisle for their hard work and dedication to our Nation's energy and

water priorities. I urge my colleagues to support this rule and the underlying conference report.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume, and I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

Madam Speaker, as my colleague on the Committee on Rules already noted, this rule is typical for a conference report. It is closed and it allows for 1 hour of debate. I should note that I am pleased to rise today to debate the content of the energy and water appropriations bill and only the energy and water appropriations bill. Let us just hope that when Congress adjourns the first session of the 108th Congress, it will have considered 13 such appropriations conference reports.

To Republican leaders who say that considering 13 separate appropriations reports is not possible or just highly unlikely, I note that while the other body remained in session last week, the House took the week off. Where there is a will, Madam Speaker, there is always a way. The will of the majority is clear, and it is not on the side of the American people.

But I should not dwell on this body's work ethic nor shall I attempt to predict or foresee the prospects of this week, however dim they may be. Instead I rise in support of the underlying conference report.

As previously mentioned, the energy and water appropriations bill provides \$27.3 billion in funding for the United States Department of Energy and many of our country's most important water-related projects. The bill appropriates about \$4.5 billion for the Army Corps of Engineers, about \$1 billion for the Bureau of Reclamation, \$22 billion for the Department of Energy, and about \$140 million for independent agencies including the Nuclear Regulatory Commission and the Defense Nuclear Facilities Safety Board.

The report also includes more than \$15 million in funding for the restoration of Florida's Everglades, and I thank all of our colleagues in the House for continuing to support that vital project in the State of Florida. It further contains legislative language ensuring that the State of Florida fulfills its commitment to improve water quality in the Everglades, and I would urge the Florida legislature to undertake its responsibilities most immediately in that regard. Both of these are prime examples of Congress's continuing commitment to the largest environmental cleanup in the history of the world.

I am proud of the fact that several of our colleagues including the gentleman from Florida (Mr. FOLEY), the gentleman from Florida (Mr. GOSS), the gentleman from Florida (Mr. MARIO DIAZ-BALART), and myself are the immediate Representatives for the lake and Everglades area. There are other

Congress persons, the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. DEUTSCH), the gentleman from Florida (Mr. MEEK), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. WEXLER), all of whom have been directly involved in this historic undertaking. I am proud of the work that Florida's whole congressional delegation has done on a bipartisan basis, particularly the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member who is not from Florida but has helped us with this to keep this project moving ahead. The subcommittee chairman and the ranking Democrat are to be thanked for their tireless work, and I look forward to working with each of them in the future.

In addition to funding Everglades restoration efforts, the underlying report provides more than \$4.5 million for south Florida beach renourishment and protection projects, \$500,000 for Florida Keys water quality improvements, and more than \$17 million for improving south Florida's ports and waterways.

I am well aware that some of my colleagues on this side of the aisle have severe reservations regarding the report, particularly funding for the Yucca Mountain site, a Robust Nuclear Earth Penetrator study, and an anti-environmental rider that affects a fair process already underway in Alaska. Their concerns are real, and, frankly, I am disappointed that we have not better addressed them in the conference report.

Again, Madam Speaker, this is by and large a good report. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I think one of the obligations of those of us in the minority is to raise objection when we believe that the majority has not handled legislation correctly and to indicate support when we think it has handled things correctly. I want to stipulate that, in this instance, I think the gentleman from Ohio (Chairman HOBSON) has done a wonderful job in seeing to it that the Congress addresses its institutional responsibilities in the areas under the energy and water bill jurisdiction, and I think he has done an excellent job in involving the minority in reaching those decisions. In the process, it has been very apparent that the primary consideration of the chairman of the subcommittee has been the substance of the legislation, and he has tried to take the conference in a direction which defends the public interest irrespective of what either some people in the Congress or some people in the executive branch of government have felt about these issues. So I simply

want to take this time to congratulate the gentleman from Ohio (Chairman HOBSON) and to congratulate the gentleman from Indiana (Mr. VISCLOSKEY), the ranking minority member on the subcommittee, because they have handled this bill in a way which, in my view, all appropriations bills should be handled, for that matter. And in the process, while I certainly do not agree with every provision in the bill, I think the process has been reasonable enough and the substance is reasonable enough that this bill merits support on both sides of the aisle, and I am pleased to report that to the House.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I take with good note the ranking member of the full Committee on Appropriations on the compliments to the gentleman from Ohio (Mr. HOBSON) as chair of the subcommittee, and I know that he works hard in those endeavors to achieve that, but it is not easy to get such a fine accolade on behalf of the ranking member, and on behalf of the chair of the subcommittee I will pass along his kind remarks.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to support the underlying legislation as it relates to energy and water development, and I thank the chair and the ranking member.

Coming from Houston, Texas, having just experienced enormous flooding over the last 48 hours and the tragedy of tornadoes, I recognize the importance of a system of both energy and water that needs to work. I particularly want to note the importance in this legislation of the \$3.45 billion for the Department of Energy science programs that will allow us to deal with climatic concerns that impact the quality of life of our constituents and \$8.7 billion for the National Nuclear Security Administration because I would like to see the responsibility of cleanup be enhanced; \$426 million for renewable energy programs, and as well \$580 million for the nuclear waste program, and most of all, the \$4.6 billion for the Army Corps of Engineers, drastically needed in a community like mine that is 50 feet under sea level. So I am publicly asking for assistance from the Army Corps of Engineers as I have to return to Houston today because of several of my community sites have been destroyed, and I am going to seek help for them.

As I mentioned, this is an important question in Houston. In fact, the recent mayoral campaign was based upon who can deal with flooding. So this strikes at the heart of our community and its survival. I also want to note that we will be bringing up H.R. 6, the Energy Policy Act of 2003. Let me note that I

am grateful for the focus of doing energy research for both renewables, but also alternatives, and although it was a vigorous debate, I want to say to my energy friends, the deletion of ANWR does not mean that we cannot be domestically sufficient, that we cannot resources to invest in domestic energy resources, particularly in the Gulf where the gentleman from Texas (Mr. LAMPSON) and I offered an amendment to determine the amount of resources in the Gulf off the shores of Louisiana and Florida, in particular, and to do more reinvigorated drilling in that area where it is well assured that it can be done in a very scientific and environmentally safe area. Even though there are issues with the Energy Policy Act that I would be concerned about, as a Texan, I think it is vital that we become more independent as it relates to energy resources, that we begin to look at alternatives, begin to look at incentives for alternative motor vehicles and the \$1.8 billion for the electric power industry. My colleagues can be assured, to my friends in Texas, that we will never be totally independent of oil and natural gas of which we have much in this area. So this Energy Policy Act, that is, H.R. 6, should at least be considered a first step where we have come together, although sometimes in controversy, to put on the table a real energy agenda and policy for the 21st century and for this country. It is long overdue, and as someone who has practiced oil and gas law since about 1976, I can tell the Members that we will be better off having a road map that we can follow and that we can work with environmentalists and work with independents, small energy companies, who can be the backbone of an energy policy in this Nation.

So, Madam Speaker, I rise to support H.R. 2754 and the rule, as well as H.R. 6.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, I rise in strong support of the rule, yet with some strong reservations also regarding final passage of the Energy and Water Appropriations Conference Report. But before I explain my reservation, I would like to recognize the many efforts of the gentleman from Ohio (Chairman HOBSON), the gentleman from Indiana (Mr. VISCLOSKEY), ranking member, and other hard-working Members and their staffs who have made, over the past year, an effort to work with the Nevada delegation to address our serious concerns with the Yucca Mountain project.

For example, during initial House floor consideration of the energy and water bill this past July, the gentleman from Ohio (Chairman HOBSON) was gracious enough to grant the gentleman from Nevada (Mr. PORTER) and I a colloquy on the issue of early ac-

ceptance of spent nuclear fuel at Yucca Mountain. In response to our concern, the gentleman from Ohio (Chairman HOBSON) agreed not only to strip the early acceptance language from the bill, but also to dedicate \$4 million in additional Federal spending to bolster security at our Nation's nuclear power stations. I am heartened by the gentleman from Ohio's (Chairman HOBSON) willingness to ensure that the early acceptance of spent nuclear language did not remain through the conference on this measure.

However, the conference report still dedicates \$580 million in taxpayers' dollars to the Yucca Mountain project, in my opinion, a fatally flawed Federal boondoggle that a majority of Nevadans, millions of Americans, and the Nevada Congressional Delegation strongly opposes.

Madam Speaker, I will vote yes on this rule; however, I will remain opposed to frivolously spending taxpayers' dollars and will never give up the fight against wasteful Yucca Mountain project spending.

□ 1130

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question is ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GENERAL LEAVE

Mr. BONILLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2673, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BONILLA. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2673) making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2673, be instructed to insist on the House position on prescription drug importation in Section 749 of the House-passed bill.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. BONILLA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, to the uninitiated, people might think that this is a motion that deals with the agriculture appropriations bill. But, in fact, what is happening today is that conferees are being appointed, ostensibly, to deal with the agriculture appropriations bill but, in fact, the agriculture appropriation will then become the vehicle into which all other appropriation bills that have not yet passed the Congress will be dumped, producing one of those glorious omnibus appropriation bills that the Congress deals with at the end of the session when it has not been able to get its work done. So Members can expect to see this conference come back containing not only the material that is appropriate to the agriculture bill, but if the majority has its way, they can expect that the conference report will also contain the State, Justice, and Commerce appropriation, the Labor, Health, and Human Services appropriation, perhaps the VA-HUD appropriation, the D.C. appropriation, and perhaps several others. On this side of the aisle, we do not believe that those bills should be considered together. We believe that each of them should stand on their own merits.

We have another complicating factor, because this legislation will be used by the majority to try and pave the way for passage of its ill-conceived and misbegotten Medicare, so-called Medicare Reform Act. Now, that bill started as an effort to provide a prescription drug benefit for our senior citizens under Medicare. Instead, what is being produced on that score is a very weak, badly-shredded, partial benefit that does not even begin until years down the road, and the enticement of that prescription drug bill or that prescription drug coverage, I should say, is

being used as an effort to blackmail Congress into essentially vitiating Medicare as we know it today. There are not many people on this side of the aisle who think that that is a good idea either.

Now, one of the provisions in the Medicare conference report that will shortly be before this body is a provision which tries to create the impression that senior citizens will be allowed to reimport drugs from Canada as part of the passage of that bill. But, in fact, the FDA has made quite clear that that provision will not work. So what we are going to be faced with is a "let's pretend" game. The Congress will pretend in the Medicare bill that it is about to pass that there is a meaningful ability for seniors to reimport drugs at a lower cost from Canada when, in fact, because that provision requires the approval of the very agencies that are opposed to it, no such reimportation will ever take place.

So this Congress, in essence, intends on the Medicare reform bill to practice consumer fraud on the House Floor. This bill is part of that scheme, because this bill presently contains a requirement, in the form of the Northup amendment, that drug reimportation, meaningful drug reimportation be allowed to take place. But the intention of the conferees, at least on the majority side, is to deep-six that provision in conference so that the bill will come back stripped of that, and they will pretend that they have taken care of the need in the Medicare bill but, in fact, the Medicare bill will not have taken care of it at all. It sounds complicated; it is meant to be. Because that is the way that the public is deceived into thinking that there will be real action on reimportation of drugs from Canada when, in fact, the majority has no intention whatsoever of allowing that to occur.

So, therefore, I am offering this motion which says, in effect, that on this bill, if we are going to have a drug reimportation proposal, and I have some questions about the advisability of some of those proposals, but what this motion says is that if we are going to have a drug reimportation provision, it at least ought to be a real one, and that is what we believe the Northup amendment is, in contrast to the phony "let's pretend" proposition which will shortly be coming at us in the so-called Medicare reform bill.

So our position is very simple: this language gives people who want to have drugs reimported from Canada, lower-cost prescription drugs, this gives people who want to see that happen an opportunity to vote to require it. This is an effort to keep a real drug reimportation provision before the Congress rather than simply allowing the institution to engage in this widespread charade that somehow there is a meaningful reimportation provision in the Medicare bill which is about to come at us.

A lot of things will happen in this House over the last week, in the clos-

ing week of the session, or what is expected to be the closing week of the session. A lot of things will happen which will not bring credit to this House. What I would hope is that we could avoid having a broad-scale consumer fraud effort take place on this House floor and, in my view, without the Northup amendment, any pretense that there is a drug reimportation provision that is being made available to seniors will be just that, a blatant effort to defraud the public. I would hope that the membership of this House would recognize that, and I would hope that the members of the general public who have been waiting for years for a meaningful provision on drugs would remember it as well.

So for those of my colleagues who are interested in having reimportation actually occur, this motion is in support of the only real proposition that will be before the Congress between now and adjournment, and we will see whether Members, in fact, put their votes where their mouths are. Any Member who votes for the Medicare reform bill and claims that they have provided a drug reimportation plan that will provide lower-cost drugs from Canada will be committing consumer fraud, and I want to say that beforehand so that Members are put on notice as to what that provision really is. If my colleagues want to be real, vote for this motion. If they do not, do not. It is as simple as that.

Madam Speaker, I reserve the balance of my time.

Mr. BONILLA. Madam Speaker, I rise in opposition to the motion, and I reserve the balance of my time.

Mr. OBEY. Madam Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 22 minutes remaining; the gentleman from Texas (Mr. BONILLA) has 30 minutes remaining.

Mr. OBEY. And who has the right to close?

The SPEAKER pro tempore. The gentleman from Wisconsin has the right to close.

Mr. OBEY. Madam Speaker, I yield 8 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, I thank the gentleman for yielding me this time, and, more importantly, I thank him for offering this motion that will be our only opportunity to provide a statement by the Members of Congress as to the real issue of importation, since that opportunity will now be denied us in the prescription drug bill that we are anticipating coming to this floor.

As many of our constituents know, millions of Americans have waited for the opportunity to be able to take advantage of the lower prices of pharmaceuticals that are available in Canada

and in other countries, but specifically with respect to Canada, as we tried to address in the bill. We now see that that door is going to be slammed shut. The reimportation is going to be granted on one hand, but the certification by the Secretary of Health and Human Services will effectively close, as it has in the past, the opportunity for American citizens who are ill, who need these drugs, who are financially troubled and financially incapable of paying for some of these drugs; as a result of that, they take the prescription that their doctor has given them, they reduce the amount of pills they take per day, they reduce the dosage that they take in trying to get through the month in order to pay for, in many instances, lifesaving drugs that they need by order of their physician. Many of our constituents, hundreds of thousands, if not millions of Americans, have now taken to forming buying clubs, of taking trips by bus, riding long hours on buses, to go to Mexico, to go to Canada to buy these drugs in Canadian pharmacies where the prices are much, much lower than what they are having to pay through their health care plan if they have one or, if they do not have one at all, what they would pay on the market.

□ 1145

It has been suggested that this is forced upon Americans because this is the only way that they can recapture the research and development dollars that continue to flow these pharmaceutical drugs to the marketplace. Some of that is true. But the question millions of American citizens are asking is why is it that only the American ill, the American sick, the American infirm are the ones who have to pay for this? They say, well, the other countries have price controls, the other countries negotiate. We asked for the authority to have the Secretary of Health and Human Services negotiate the prices of drugs for Medicare recipients as we do in the Veterans Administration, as Wal-Mart does, as Costco does, as all big purchasers do with pharmaceuticals, and we were denied that opportunity in the House.

So the only outlet, the only outlet for these citizens where their financial situation does not meet their medical situation is to go to Canada, and now that opportunity is being slammed in terms of this reimportation provision within the Medicare prescription drug benefit that will be coming to the floor.

As a result of that, without the negotiation power of the Secretary of Health and Human Services on the cost of drugs, without the reimportation provision, America's senior citizens, and I must say all American families, are put at the mercy of the pharmaceutical industry that will now have no incentive to lower the cost of drugs.

The prescription drug bill coming to the floor does some wonderful things for hospitals, wonderful things for doctors, some wonderful things for the

pharmaceutical companies, but it does nothing for the people who have to consume those pharmaceuticals. It makes no effort at trying to control the price of those pharmaceuticals, the cost of those to individuals.

And when we say that, we are saying simply have us negotiate as a large purchaser. That is what the business world does. People come to us and ask why do we not run the government more like a business. We try to run it like a business, and the businesses shut us down.

So now the question of reimportation will be shifted from a vote in this Congress to provide for reimportation, in the new bill it will now all go to the Secretary of Health and Human Services. And the entire political and financial clout of the pharmaceutical industry will be focused on the Secretary of Health and Human Services to never certify for the reimportation of pharmaceuticals to the United States, thereby depriving millions of Americans the opportunity to lower the cost of the drugs that are necessary to them on a monthly basis as prescribed by their doctors.

We are going to decide that those senior citizens, those people who are desperately in need of these pharmaceuticals are going to be the sole individuals that are somehow going to pay for the research and development of these drugs if, in fact, that argument is even accurate.

The fact of the matter is, the reason the prices are really high in the United States, as opposed to the other countries, is the power of the pharmaceutical industry to do just as they have done in the Medicare prescription drug bill and that is to take out all of the provisions that would have given a break to the sick and the elderly in this country, that would have given them an opportunity to lower the cost of the drugs that they have to buy every week and every month. That is why the prices are so high in the United States. It is not about research and development. It is about lobbying, it is about political contributions, it is about the force of this industry on this Congress and the House and the Senate and the Republican leadership to strip this bill of those provisions that were put in on a bipartisan basis, on a bipartisan basis in the House, on a bipartisan basis in the Senate, to strip them and remove them to the administration which has opposed these provisions from the very beginning.

So the fate of our senior citizens, the fate of the elderly in this country, the fate of the ill, the sick in this country, is now placed back into hands of the pharmaceutical companies, exactly where it was when we began this process. So the pharmaceutical companies, as this bill comes to the floor, get a great big victory and the consumers and the sick people in this country get nothing. They get a continuation of exorbitant costs of pharmaceuticals that are absolutely essential to their well-

being and sustaining their health, maybe, in fact, in sustaining their life.

So this motion by the gentleman from Wisconsin (Mr. OBEY) is the most important vote in terms of our ability to express the desire to have reimportation as part of our medical policy in this country and also to tell the conferees that they are bringing to us an imperfect product, and they should go back to the conference committee and make sure that America's elderly and America's sick are protected and have the opportunity to take advantage of the reimportation of those pharmaceuticals that they need.

We should recognize that the bill as reported by the conferees is not a bill that protects the senior citizens of this country, it is not a bill that provides for those who are ill in this country; it protects the pharmaceutical companies and they should have to go back to conference.

Mr. OBEY. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Wisconsin (Mr. OBEY) has 15 minutes remaining and the gentleman from Texas (Mr. BONILLA) has 30 minutes remaining.

Mr. OBEY. Could I ask the gentleman from Texas (Mr. BONILLA), is it his intention not to yield any time?

The SPEAKER pro tempore. There is a question to the gentleman from Texas. Does the gentleman continue to reserve his time?

Mr. OBEY. Madam Speaker, is it the intention of the gentleman not to yield any time?

Mr. BONILLA. Madam Speaker, at this time we reserve the balance of our time.

Mr. OBEY. Madam Speaker, we have the right to close, so I am wondering when the gentleman is intending to use his time.

Mr. BONILLA. Madam Speaker, I would suggest at this moment to the gentleman from Wisconsin if he has additional speakers to go ahead and proceed.

Mr. OBEY. Madam Speaker, is the gentleman going to be supporting or accepting the motion?

Mr. BONILLA. Madam Speaker, as I stated earlier, we are in opposition to the motion.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, I rise in support of this motion. As high health care prices continue to erode the living standards of middle-class families across this country, the rising price of prescription drugs remains front and center in the eyes of seniors. A recent report by Families USA concluded that the prices of the 50 most frequently used prescription drugs by seniors rose by nearly 3½ times the rate of inflation. That is a problem for them, their children, and their children's children. We all have a stake in driving down prescription drug prices.

In July this body abrogated its responsibility to address the problem of soaring drug prices. It barred the government from negotiating lower prices for seniors. It did worse than nothing.

Since that time the call for prescription drug importation, giving ordinary Americans the choice that they are taking on their own, out of desperation, has reached a critical mass. Today the American people know that importation would save them billions of dollars, \$600 billion in the next decade, savings passed directly onto the consumer.

They know it is a safe option, because they know that the U.S. drug companies themselves reimport brand name medications from their overseas plants, \$14.7 billion worth in 2001. They know that the reimportation bill passed this body in late July. It guaranteed safety. I would repeat that our bill not only required drugs reimported from other countries be FDA approved, but also that the facilities they are manufactured in are FDA approved as well. Add to that requirement in this bill that all prescription drugs use counterfeit-resistant packaging, and there is little doubt that every drug purchased here in the United States, reimported or otherwise, would be safer than the drugs that are available today.

The FDA is so concerned about safety then they ought to take a look at food safety in the United States. They have jurisdiction over imported foods coming into the United States, and only less than 1 percent, 1 to 2 percent of all imported food is inspected coming into this country. And yet the FDA will certify that that food is the safest food supply in the world. And yet FDA-approved drugs from FDA-approved facilities will not be certified as being safe. Tell us, on whose side is the FDA? This is not an issue of safety, it is an issue of price.

This Congress needs to stop acting as the wholly-owned subsidiary of the pharmaceutical companies, and step up to its responsibilities to help consumers. We need to vote for this motion because it is the only opportunity for this body to vote for lower cost prescription drugs. The Medicare prescription drug policy that has come out of the conference in this body, decimates and destroys Medicare, does nothing about the high cost of prescription drugs. And unless we pass this motion to instruct, there will be no opportunity to do what is the right thing for America's families, for America's seniors, and that is to provide them with the opportunity to get their prescription medications at a price that they can afford in order to save their lives. That is what this issue is about today. It is about providing people in this country the wherewithal to afford prescription drugs.

Madam Speaker, let us vote for this motion to instruct. Let us do the right thing for seniors and for the families in this country.

Mr. BONILLA. Madam Speaker, at this time I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Madam Speaker, we are told by my colleague from Texas (Mr. BONILLA), the Republican who is opposing this motion, that he does not have any comments on it, does not have anything to say about it. And I think that is kind of funny because we know full well when the Medicare bill comes up here, it is going to be Thursday or Friday at 5 o'clock in the morning when America is sleeping and all the seniors do not know what is happening.

But why is this provision important about the drug importation? Because when this bill originally passed the House, it passed by one vote. And after the roll call was left open an hour with the Republican leadership beating their Members into submission, a deal was struck that, okay, we are going to pass this bill, if we get drug importation. And that is why the bill passed.

Then it went to a conference committee, and there was not a Democrat from the House sitting in there negotiating. But you know what was in there? The drug companies were in there. And now we are going to see the final product a few days from now, and lo and behold, drug importation is only permitted if the Secretary of Health and Human Services says it is okay. But we know that he has already said it is not okay. They oppose it.

The administration is in the pocket of the drug companies. And so your mothers and fathers and grandparents are going to be pay more for drugs. This bill is a bad bill. Not only does it provide no decent drug coverage for America's seniors, but it is an attempt to get them out of the Medicare program.

Madam Speaker, 90 percent of seniors today are in the Medicare fee-for-service program. This bill rewards or gives gifts to insurance companies to get them to move out and go into the private insurance companies where they are going to get a real bad deal on their health care.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, previous to today's debate the House has spoken definitively on what the American people want and today are only getting price relief on their prescription drugs by importing from Canada. Yet, through stealth maneuvers, the Republican majority, under pressure from the pharmaceutical industry and the White House, is going to close the border. They are about to say, to quote the FDA Commissioner, the FDA cannot guarantee the safety of Canadian drugs. Well, guess what? They cannot guarantee the safety of American drugs. In fact, it is well documented that the supply chain is more broken

in the United States of America than it is in Canada where there is more government control.

That was totally a specious argument that they have drug out here to try and protect one thing: Not the safety of the American public and our seniors, not their health. I will tell you what jeopardizes their health: When they cannot afford the drugs they need for a chronic or an acute condition.

□ 1200

There are tens of thousands of seniors and others across America in that condition.

No, there is only one issue here. There is only one thing to protect, and it is not the safety of America's seniors; it is not the sanctity and the quality of our drug supply, because it is already compromised by phony closed-door pharmacies and hundreds of other loopholes that are getting counterfeit drugs, as is well documented, into the system in our country.

Not in Canada. Their system works a lot better. They are reimporting FDA-approved drugs through Canada, and we know they are probably really American drugs. Here there are a lot of counterfeit drugs being made available through phony wholesalers.

No, there is one thing that is being protected. Well, two things. One is the obscene prices and profits of the pharmaceutical industry; and two is political campaign contributions to the White House and Republicans. That is what is being protected.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

(Mr. EMANUEL asked and was given permission to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, I would like to thank the gentleman from Wisconsin (Mr. OBEY) for yielding me time.

People from around the world come to America for their medical care. Yet Americans are forced to go around the world for their medications. Why? Because we have the most expensive prices for prescription drugs anywhere in the world right here in the United States; and yet all the medications are developed with taxpayer-funded research. Now we are given the honor and distinction to pay the most expensive prices.

Now, there are two ways to address the issue of cost and affordability of prescription drugs. One was allowing Americans, like our European colleagues, to buy prescription drugs at 30, 40, 50 percent cheaper, same name-brand drugs in both Canada, Europe, France, Germany, Italy, and Ireland. Yet, twice the Republican Congress has denied the right to Americans to free trade, to competition and choice because through competition prices would reduce and come down for America. Americans would no longer subsidize the poor starving French and

Germans. They pay competitive prices. We pay competitive prices. Prices will drop here at home.

Second is give the right to the Secretary of Health and Human Services what the Secretary of the Veterans Administration has and what the private insurers have, which is to negotiate bulk prices, that is, a Medicare Sam's Club. And rather than use the power of 41 million seniors, we take a powder here, twice denying the right to seniors to get cost-effective measures, to get the prescription drugs they need at the prices they can afford.

We deny that right. Why? Because we do not have faith in Tommy Thompson to negotiate good prices, but we have faith in him to deny the right of prescription drugs that come into this country at affordable prices. Our seniors are paying premium prices, and what are we about to do?

We are about to ask the taxpayers to pay \$400 billion of their money for the most expensive drugs, prescription drugs, anywhere in the world. We owe the common decency and courtesy to the taxpayers to get the best price and not the most expensive price.

I support this motion so we would finally break the hammer lock the prescription drug companies have on this Congress and the Republican Congress and give the American people the type of relief they need so they can buy the drugs they need for their health at the prices they can afford.

Mr. OBEY. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, we have got a strange situation here. When we think about this, the most profitable industry in the country, the most profitable industry in the country is charging the highest prices in the world to America's seniors and others without health insurance. And yet the head of the Food and Drug Administration is giving speeches saying the problem is not that prices are too high in this country; the problem is that they are too low in other countries. The rest of the world has it wrong. They should raise their prices.

This is ludicrous. In fact, the drug companies are happy to sell their drugs in Canada and Europe and around the world where on average they are selling their drugs for 40 percent less, and there is research going on in Canada. Look at this, just one example, there are 79 research-based drug companies in Canada. And since 1995, they have increased their research spending by 50 percent. The pharmaceutical industry is not hurting in Canada or around the world. The people who are hurting are our seniors trying to buy their medication here at home.



We need to be able to take drugs from other countries to bring them into this country. We know one thing, this administration is never going to approve the reimportation of low-price drugs from Canada. They will not do it. They are trying to stop it now. So any provision which depends on the authority of the Secretary of Health and Human Services and a Republican administration is not going to fly. That is why it is so important that this motion pass; it is so important that we have legislation that authorizes the reimportation of drugs. We do it for other products. We ought to do it for medication.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me time.

I rise in support of the motion to instruct, to instruct the conferees that we accept in this agriculture appropriations bill the same language that has already been passed on the House floor as it deals with reimportation, and let me tell you why.

In June of last year, I did a study where we compared the price paid by seniors in Arkansas' Fourth Congressional District with the price paid by seniors in six other countries. And we found that the price paid by seniors in the Fourth Congressional District of Arkansas is 110 percent more on average than the price paid by seniors in places like Canada, France, Germany, Italy, Japan, and the U.K.

Let me give you a couple of examples. Prevacid, 30 milligrams. In our congressional district it costs \$128 a month. The average foreign price, \$55 a month. Celebrex, 200 milligrams. In my congressional district, \$81 a month. The average foreign price, \$35 a month. Prilosec, in my district \$129 a month. The average foreign price, \$56 a month; and the list goes on and on and on.

The drug manufacturers wrote this so-called Medicare prescription drug bill, which is not for our seniors. It is a windfall for the big drug manufacturers, and now we see their fingerprints all over this bill today to go to conference on the ag appropriations bill.

Velma from my district writes and says she takes seven prescriptions a month. It costs her \$560, and she is trying to get by and live on \$604 a month.

Mary from my district says she takes four prescriptions a month that cost her \$401.88, and she is trying to get by on \$586 a month.

I rise in support of the motion to instruct on behalf of the seniors of America so we can take on the big drug manufacturers and the Republican leadership and finally bring down the high cost of prescription drugs for our seniors. This is America, and we can do better than this by our seniors.

Mr. OBEY. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining.

Mr. BONILLA. Madam Speaker, I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this motion is an effort to prevent this Congress from giving to the drug companies two early Christmas presents.

Let me put it this way: this Congress is about to tell the drug companies that they will have carte blanche to do whatever they want on drug costs. And this Congress will accomplish that in two ways. The first step is by obliterating the efforts that we have tried to make to allow the Federal Government to negotiate with drug companies for a lower price for drugs by providing a drug benefit that goes to everyone under Medicare. The Medicare legislation, which this House will be asked to vote on this week, that Medicare legislation, at the instruction of the Republican leadership, has eliminated all possibility for the Federal Government to negotiate lower drug prices. That is gift number one to the drug companies.

That means the only remaining way that seniors can get some help on drug prices is by reimporting them from Canada. And the Medicare legislation which will shortly be before us will state that or will pretend that there is a Canadian drug reimport benefit but, in fact, has a benefit which the FDA itself says will not work. That means the only way left for Members to try to provide some degree of price protection for prescription drugs for seniors is to vote for this motion and to insist that this conference committee come back with the provision that was adopted in the original House legislation. That is why this motion is before us today. I would urge a "yes" vote on the motion.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be followed by three 5-minute votes as follows:

House Resolution 444, by the yeas and nays;

approval of the Journal, de novo;

suspension of the rules on H.R. 3300, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 21, as follows:

Abercrombie	Hastings (WA)	Northup
Ackerman	Hayes	Oberstar
Allen	Hayworth	Obey
Baca	Hinchey	Oliver
Baird	Hinojosa	Osborne
Baldwin	Hoefel	Otter
Ballance	Hoekstra	Owens
Bartlett (MD)	Holden	Pallone
Bass	Hooley (OR)	Pastor
Becerra	Houghton	Paul
Bell	Hoyer	Pelosi
Bereuter	Hunter	Peterson (MN)
Berkley	Hyde	Peterson (PA)
Berry	Inslee	Petri
Bishop (GA)	Israel	Pickering
Bishop (NY)	Istook	Platts
Blumenauer	Jackson (IL)	Pomeroy
Bono	Jackson-Lee	Rahall
Boozman	(TX)	Ramstad
Boswell	Janklow	Rangel
Boucher	Jefferson	Rehberg
Brady (PA)	Johnson (CT)	Renzi
Brown (OH)	Jones (NC)	Reyes
Brown (SC)	Jones (OH)	Rodriguez
Brown, Corrine	Kanjorski	Rohrabacher
Burton (IN)	Kennedy (RI)	Ros-Lehtinen
Capito	Kildee	Ross
Capps	Kilpatrick	Roybal-Allard
Capuano	Kind	Royce
Cardoza	Kirk	Ruppersberger
Carson (IN)	Kleczka	Rush
Case	Kolbe	Ryan (OH)
Castle	Kucinich	Ryan (WI)
Clay	LaHood	Sabo
Conyers	Lampson	Sanchez, Linda
Cooper	Langevin	T.
Costello	Larsen (WA)	Sanchez, Loretta
Cox	Larson (CT)	Sandlin
Cramer	LaTourette	Schakowsky
Crowley	Leach	Schiff
Cummings	Lee	Schrock
Cunningham	Levin	Scott (VA)
Davis (AL)	Lewis (GA)	Serrano
Davis (CA)	Lipinski	Shaw
Davis (IL)	Lowe	Shays
Davis (TN)	Lucas (KY)	Sherwood
Davis, Jo Ann	Lynch	Shuster
DeFazio	Majette	Skelton
Delahunt	Maloney	Slaughter
DeLauro	Manzullo	Smith (MI)
Deutsch	Markey	Smith (NJ)
Dicks	Marshall	Snyder
Doggett	Matsui	Solis
Doyle	McCarthy (MO)	Spratt
Duncan	McCarthy (NY)	Stark
Edwards	McCollum	Stenholm
Ehlers	McDermott	Strickland
Emanuel	McGovern	Stupak
Emerson	McHugh	Tancred
Engel	McInnis	Taylor (MS)
Evans	McKeon	Taylor (NC)
Everett	McNulty	Tierney
Fattah	Meehan	Towns
Filner	Meek (FL)	Turner (TX)
Flake	Mica	Udall (NM)
Forbes	Michaud	Van Hollen
Ford	Millender-	Velazquez
Frank (MA)	McDonald	Visclosky
Frost	Miller (MI)	Vitter
Gonzalez	Miller (NC)	Wamp
Goode	Miller, George	Watson
Goodlatte	Mollohan	Watt
Gordon	Moore	Waxman
Green (TX)	Moran (KS)	Weiner
Grijalva	Murtha	Wexler
Gutierrez	Nadler	Wilson (NM)
Gutknecht	Napolitano	Wolf
Hall	Neal (MA)	Woolsey
Harman	Neugebauer	Wu
Hastings (FL)	Ney	Wynn

#### NAYS—176

Aderholt	Blackburn	Cannon
Akin	Blunt	Cantor
Alexander	Boehert	Cardin
Andrews	Boehner	Carter
Bachus	Bonilla	Chabot
Baker	Bonner	Chocola
Ballenger	Bradley (NH)	Clyburn
Barrett (SC)	Brady (TX)	Coble
Barton (TX)	Burgess	Collins
Beauprez	Burns	Crane
Berman	Burr	Crenshaw
Biggert	Buyer	Culberson
Bilirakis	Calvert	Davis (FL)
Bishop (UT)	Camp	Davis, Tom

Deal (GA)	Johnson, Sam	Reynolds
DeGette	Keller	Rogers (AL)
DeLay	Kelly	Rogers (KY)
Diaz-Balart, L.	Kennedy (MN)	Rogers (MI)
Diaz-Balart, M.	King (IA)	Rothman
Dooley (CA)	King (NY)	Ryun (KS)
Doolittle	Kingston	Saxton
Dreier	Kline	Scott (GA)
Dunn	Knollenberg	Sensenbrenner
English	Latham	Sessions
Eshoo	Lewis (CA)	Shadegg
Etheridge	Lewis (KY)	Sherman
Farr	Linder	Shimkus
Feeney	LoBiondo	Simmons
Ferguson	Lofgren	Simpson
Foley	Lucas (OK)	Smith (TX)
Fossella	Matheson	Smith (WA)
Franks (AZ)	McCotter	Souder
Frelinghuysen	McCrery	Stearns
Gallegly	McIntyre	Sullivan
Garrett (NJ)	Meeks (NY)	Sweeney
Gerlach	Menendez	Tanner
Gibbons	Miller (FL)	Tauscher
Gillmor	Miller, Gary	Tauzin
Gingrey	Moran (VA)	Terry
Goss	Murphy	Thomas
Granger	Myrick	Thompson (CA)
Graves	Nethercutt	Thompson (MS)
Green (WI)	Norwood	Thornberry
Greenwood	Nunes	Tiahrt
Harris	Nussle	Tiberi
Hart	Ose	Turner (OH)
Hefley	Oxley	Udall (CO)
Hensarling	Pascarell	Upton
Hill	Payne	Walden (OR)
Hobson	Pearce	Walsh
Holt	Pence	Weldon (FL)
Honda	Pombo	Weldon (PA)
Hostettler	Porter	Weller
Hulshof	Portman	Whitfield
Isakson	Price (NC)	Wicker
Issa	Pryce (OH)	Wilson (SC)
John	Putnam	Young (AK)
Johnson (IL)	Quinn	Young (FL)
Johnson, E. B.	Regula	

## NOT VOTING—21

Boyd	Fletcher	Ortiz
Brown-Waite,	Gephardt	Pitts
Ginny	Gilchrest	Radanovich
Carson (OK)	Herger	Sanders
Cole	Jenkins	Toomey
Cubin	Kaptur	Waters
DeMint	Lantos	
Dingell	Musgrave	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1235

Ms. DEGETTE and Messrs. ROTHMAN, FEENEY, WELDON of Florida, BACHUS, ALEXANDER, THOMPSON of Mississippi, CLYBURN, BOEHLERT, DAVIS of Florida, MORAN of Virginia, and SHERMAN changed their vote from “yea” to “nay.”

Mrs. JO ANN DAVIS of Virginia, Mrs. BONO, Mrs. MILLER of Michigan, and Messrs. MCINNIS, GOODLATTE, FLAKE and CLAY changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COX. Madam Speaker, on rollcall No. 624 I inadvertently voted “aye.” The vote was closed before I could correct the mistake. Had I been able to do so, I would have voted “no.”

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule

XX, the remainder of the votes in this series will be conducted as 5-minute votes.

# WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 444, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 23, as follows:

[Roll No. 625]

YEAS—409

Abercrombie	Chocola	Gerlach
Ackerman	Clay	Gibbons
Aderholt	Clyburn	Gillmor
Akin	Coble	Gingrey
Alexander	Collins	Gonzalez
Allen	Conyers	Goode
Andrews	Cooper	Goodlatte
Baca	Costello	Gordon
Bachus	Cox	Goss
Baird	Cramer	Granger
Baker	Crane	Graves
Baldwin	Crenshaw	Green (TX)
Ballance	Crowley	Green (WI)
Ballenger	Culberson	Greenwood
Barrett (SC)	Cummings	Grijalva
Bartlett (MD)	Cunningham	Gutierrez
Barton (TX)	Davis (AL)	Gutknecht
Bass	Davis (CA)	Hall
Beauprez	Davis (FL)	Harman
Becerra	Davis (IL)	Harris
Bell	Davis (TN)	Hart
Bereuter	Davis, Jo Ann	Hastings (FL)
Berman	Davis, Tom	Hastings (WA)
Berry	Deal (GA)	Hayes
Biggert	DeFazio	Hayworth
Bilirakis	DeGette	Hefley
Bishop (GA)	Delahunt	Hensarling
Bishop (NY)	DeLauro	Herger
Bishop (UT)	DeLay	Hill
Blackburn	Deutsch	Hinchey
Blumenauer	Diaz-Balart, L.	Hinojosa
Blunt	Diaz-Balart, M.	Hobson
Boehlert	Dicks	Hoefel
Boehner	Doggett	Hoekstra
Bonilla	Dooley (CA)	Holden
Bonner	Doolittle	Holt
Bono	Doyle	Honda
Boozman	Dreier	Hooley (OR)
Boswell	Duncan	Hostettler
Boucher	Dunn	Houghton
Bradley (NH)	Edwards	Hoyer
Brady (PA)	Ehlers	Hulshof
Brady (TX)	Emanuel	Hunter
Brown (OH)	Emerson	Hyde
Brown (SC)	Engel	Inslee
Brown, Corrine	English	Isakson
Brown-Waite,	Eshoo	Israel
Ginny	Etheridge	Issa
Burgess	Evans	Istook
Burns	Everett	Jackson (IL)
Burr	Farr	Jackson-Lee
Burton (IN)	Fattah	(TX)
Buyer	Feeney	Janklow
Calvert	Ferguson	Jefferson
Camp	Filner	John
Cannon	Flake	Johnson (CT)
Cantor	Foley	Johnson (IL)
Capito	Forbes	Johnson, E. B.
Capps	Ford	Johnson, Sam
Capuano	Fossella	Jones (NC)
Cardin	Frank (MA)	Jones (OH)
Cardoza	Franks (AZ)	Kanjorski
Carson (IN)	Frelinghuysen	Keller
Case	Frost	Kelly
Castle	Gallegly	Kennedy (MN)
Chabot	Garrett (NJ)	Kennedy (RI)

Kildee	Napolitano	Sessions
Kilpatrick	Neal (MA)	Shadegg
Kind	Nethercutt	Shaw
King (IA)	Neugebauer	Shays
King (NY)	Ney	Sherman
Kingston	Northup	Sherwood
Kirk	Norwood	Shimkus
Klecza	Nunes	Shuster
Kline	Nussle	Simmons
Knollenberg	Oberstar	Simpson
Kolbe	Obey	Skelton
Kucinich	Olver	Slaughter
LaHood	Osborne	Smith (TX)
Lampson	Ose	Smith (WA)
Langevin	Otter	Snyder
Larsen (WA)	Owens	Solis
Larson (CT)	Oxley	Souder
Latham	Pallone	Spratt
LaTourette	Pascarell	Stark
Leach	Pastor	Stearns
Lee	Paul	Stenholm
Levin	Payne	Strickland
Lewis (CA)	Pearce	Stupak
Lewis (GA)	Pelosi	Sullivan
Lewis (KY)	Peterson (MN)	Sweeney
Linder	Peterson (PA)	Tancred
Lipinski	Petri	Tanner
LoBiondo	Pickering	Tauscher
Lofgren	Platts	Tauzin
Lowe	Pombo	Taylor (MS)
Lucas (KY)	Pomeroy	Taylor (NC)
Lucas (OK)	Portman	Terry
Lynch	Price (NC)	Thomas
Majette	Pryce (OH)	Thompson (CA)
Maloney	Putnam	Thompson (MS)
Manzullo	Quinn	Thornberry
Markey	Rahall	Tiahrt
Marshall	Ramstad	Tiberi
Matheson	Rangel	Tierney
Matsui	Regula	Towns
McCarthy (MO)	Rehberg	Turner (OH)
McCarthy (NY)	Renzi	Turner (TX)
McColum	Reyes	Udall (CO)
McCotter	Reynolds	Udall (NM)
McCrery	Rodriguez	Upton
McDermott	Rogers (AL)	Van Hollen
McGovern	Rogers (KY)	Velazquez
McHugh	Rogers (MI)	Visclosky
McInnis	Rohrabacher	Vitter
McIntyre	Ros-Lehtinen	Walden (OR)
McKeon	Ross	Walsh
McNulty	Rothman	Wamp
Meehan	Roybal-Allard	Waters
Meek (FL)	Royce	Watson
Meeks (NY)	Ruppersberger	Watt
Menendez	Rush	Waxman
Mica	Ryan (OH)	Weiner
Michaud	Ryan (WI)	Weldon (FL)
Millender-	Ryun (KS)	Weldon (PA)
McDonald	Sabo	Weller
Miller (FL)	Sanchez, Linda	Wexler
Miller (MI)	T.	Whitfield
Miller (NC)	Sanchez, Loretta	Wicker
Miller, Gary	Sandlin	Wilson (NM)
Mollohan	Saxton	Wilson (SC)
Moore	Schakowsky	Wolf
Moran (KS)	Schiff	Woolsey
Moran (VA)	Schrock	Wu
Murphy	Scott (GA)	Wynn
Murtha	Scott (VA)	Young (AK)
Myrick	Sensenbrenner	Young (FL)
Nadler	Serrano	

NAYS—2

Berkley

Porter

NOT VOTING—23

Boyd	Gephardt	Pence
Carson (OK)	Gilchrest	Pitts
Carter	Jenkins	Radanovich
Cole	Kaptur	Sanders
Cubin	Lantos	Smith (MI)
DeMint	Miller, George	Smith (NJ)
Dingell	Musgrave	Toomey
Fletcher	Ortiz	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1243

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. McNULTY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 48, answered "present" 2, not voting 23, as follows:

## [Roll No. 626]

## AYES—361

Abercrombie	Cramer	Hayes
Ackerman	Crenshaw	Hayworth
Aderholt	Crowley	Hensarling
Akin	Culberson	Herger
Alexander	Cummings	Hill
Allen	Cunningham	Hinchey
Andrews	Davis (AL)	Hinojosa
Baca	Davis (CA)	Hobson
Bachus	Davis (FL)	Hoefel
Baird	Davis (IL)	Hoekstra
Baker	Davis (TN)	Holden
Ballance	Davis, Jo Ann	Holt
Barrett (SC)	Davis, Tom	Honda
Bartlett (MD)	Deal (GA)	Hooley (OR)
Barton (TX)	DeGette	Hostettler
Bass	Delahunt	Houghton
Beauprez	DeLauro	Hoyer
Becerra	DeLay	Hunter
Bell	Deutsch	Hyde
Bereuter	Diaz-Balart, L.	Inslee
Berkley	Diaz-Balart, M.	Isakson
Berman	Dicks	Israel
Biggart	Doggett	Issa
Bilirakis	Dooley (CA)	Istook
Bishop (GA)	Doolittle	Jackson (IL)
Bishop (NY)	Doyle	Jackson-Lee
Bishop (UT)	Dreier	(TX)
Blackburn	Duncan	Janklow
Blumenauer	Dunn	Jefferson
Blunt	Edwards	John
Boehlert	Emanuel	Johnson (CT)
Boehner	Emerson	Johnson (IL)
Bonilla	Engel	Johnson, E. B.
Bonner	Eshoo	Johnson, Sam
Bono	Etheridge	Jones (NC)
Boozman	Evans	Jones (OH)
Boswell	Everett	Kanjorski
Boucher	Farr	Keller
Bradley (NH)	Fattah	Kelly
Brown (OH)	Feeney	Kennedy (RI)
Brown (SC)	Ferguson	Kildee
Brown-Waite,	Flake	Kilpatrick
Ginny	Foley	Kind
Burgess	Forbes	King (IA)
Burns	Frank (MA)	King (NY)
Burr	Franks (AZ)	Kingston
Burton (IN)	Frelinghuysen	Kirk
Buyer	Frost	Klecza
Calvert	Gallegly	Kline
Camp	Garrett (NJ)	Knollenberg
Cannon	Gerlach	Kolbe
Cantor	Gibbons	LaHood
Capito	Gingrey	Lampson
Capps	Gonzalez	Langevin
Cardin	Goode	Larson (CT)
Cardoza	Goodlatte	LaTourette
Carter	Gordon	Leach
Case	Goss	Lee
Castle	Granger	Levin
Chabot	Graves	Lewis (CA)
Chocola	Green (WI)	Lewis (GA)
Clay	Greenwood	Linder
Clyburn	Gutierrez	Lipinski
Coble	Hall	Lofgren
Collins	Harman	Lowe
Conyers	Harris	Lucas (KY)
Cooper	Hart	Lucas (OK)
Cox	Hastings (WA)	Lynch

Maloney	Pelosi	Simpson
Manzullo	Pence	Skelton
Markey	Peterson (PA)	Slaughter
Marshall	Petri	Smith (MI)
Matsui	Pickering	Smith (NJ)
McCarthy (MO)	Platts	Smith (TX)
McCarthy (NY)	Pombo	Smith (WA)
McCollum	Pomeroy	Snyder
McCotter	Porter	Solis
McCrery	Portman	Souder
McHugh	Price (NC)	Spratt
McInnis	Pryce (OH)	Stearns
McIntyre	Putnam	Stenholm
McKeon	Quinn	Sullivan
Meehan	Rahall	Tancredo
Meek (FL)	Rangel	Tanner
Meeks (NY)	Regula	Tauscher
Menendez	Rehberg	Tauzin
Mica	Renzi	Taylor (NC)
Michaud	Reyes	Terry
Millender-	Reynolds	Thomas
McDonald	Rodriguez	Thompson (CA)
Miller (FL)	Rogers (AL)	Thornberry
Miller (MI)	Rogers (KY)	Tiahrt
Miller (NC)	Rogers (MI)	Tiberi
Miller, Gary	Rohrabacher	Tierney
Mollohan	Ros-Lehtinen	Towns
Moran (KS)	Ross	Turner (OH)
Moran (VA)	Rothman	Turner (TX)
Murphy	Roybal-Allard	Upton
Murtha	Ruppersberger	Van Hollen
Musgrave	Rush	Velazquez
Myrick	Ryan (OH)	Vitter
Nadler	Ryan (WI)	Walden (OR)
Napolitano	Ryun (KS)	Walsh
Neal (MA)	Sanchez, Linda	Wamp
Nethercutt	T.	Watson
Neugebauer	Sandlin	Watt
Ney	Saxton	Waxman
Northup	Schiff	Weiner
Norwood	Schrock	Weldon (FL)
Nunes	Scott (GA)	Weldon (PA)
Nussle	Scott (VA)	Wexler
Obey	Sensenbrenner	Whitfield
Osborne	Serrano	Wicker
Ose	Sessions	Wilson (NM)
Otter	Shadegg	Wilson (SC)
Owens	Shaw	Wolf
Oxley	Shays	Woolsey
Pallone	Sherman	Wu
Pascarella	Sherwood	Wynn
Paul	Shimkus	Young (AK)
Payne	Shuster	Young (FL)
Pearce	Simmons	

## NOES—48

Baldwin	Hastings (FL)	Peterson (MN)
Berry	Hefley	Ramstad
Brady (PA)	Hulshof	Sabo
Brown, Corrine	Kennedy (MN)	Sanchez, Loretta
Capuano	Kucinich	Schakowsky
Costello	Latham	Stark
Crane	LoBiondo	Strickland
DeFazio	Matheson	Stupak
English	McDermott	Sweeney
Filner	McGovern	Taylor (MS)
Ford	McNulty	Thompson (MS)
Fossella	Miller, George	Udall (CO)
Gillmor	Moore	Udall (NM)
Green (TX)	Oberstar	Visclosky
Grijalva	Olver	Waters
Gutknecht	Pastor	Weller

## ANSWERED "PRESENT"—2

Carson (IN)

Majette

## NOT VOTING—23

Ballenger	Ehlers	Lewis (KY)
Boyd	Fletcher	Ortiz
Brady (TX)	Gephardt	Pitts
Carson (OK)	Gilchrest	Radanovich
Cole	Jenkins	Royce
Cubin	Kapture	Sanders
DeMint	Lantos	Toomey
Dingell	Larsen (WA)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1251

Ms. WATERS changed her vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

## WALTER F. EHRRNFELT, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3300.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 3300, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 24, as follows:

## [Roll No. 627]

## YEAS—410

Abercrombie	Cole	Gordon
Ackerman	Collins	Goss
Aderholt	Conyers	Granger
Akin	Cooper	Graves
Alexander	Costello	Green (TX)
Allen	Cox	Green (WI)
Andrews	Cramer	Greenwood
Baca	Crane	Grijalva
Bachus	Crenshaw	Gutierrez
Baird	Crowley	Gutknecht
Baker	Culberson	Hall
Baldwin	Cummings	Harman
Ballance	Cunningham	Harris
Barrett (SC)	Davis (AL)	Hart
Bartlett (MD)	Davis (CA)	Hastings (FL)
Barton (TX)	Davis (FL)	Hastings (WA)
Bass	Davis (IL)	Hayes
Beauprez	Davis (TN)	Hayworth
Becerra	Davis, Jo Ann	Hefley
Bell	Davis, Tom	Hensarling
Bereuter	Deal (GA)	Herger
Berkley	DeFazio	Hill
Berman	DeGette	Hinchey
Berry	Delahunt	Hinojosa
Biggart	DeLauro	Hobson
Bilirakis	DeLay	Hoefel
Bishop (GA)	Deutsch	Hoekstra
Bishop (NY)	Diaz-Balart, L.	Holden
Bishop (UT)	Diaz-Balart, M.	Holt
Blackburn	Dicks	Honda
Blumenauer	Doggett	Hooley (OR)
Blunt	Dooley (CA)	Hostettler
Boehlert	Doolittle	Houghton
Boehner	Doyle	Hoyer
Bonilla	Dreier	Hulshof
Bonner	Duncan	Hunter
Bono	Dunn	Hyde
Boozman	Edwards	Inslee
Boswell	Emanuel	Isakson
Boucher	Emerson	Israel
Bradley (NH)	Engel	Issa
Brady (PA)	English	Istook
Brown (OH)	Eshoo	Jackson (IL)
Brown (SC)	Etheridge	Jackson-Lee
Brown, Corrine	Evans	(TX)
Brown-Waite,	Everett	Janklow
Ginny	Farr	Jefferson
Burgess	Fattah	John
Burns	Feeney	Johnson (CT)
Burr	Ferguson	Johnson (IL)
Burton (IN)	Filner	Johnson, E. B.
Buyer	Flake	Johnson, Sam
Calvert	Foley	Jones (NC)
Camp	Forbes	Jones (OH)
Cannon	Ford	Kanjorski
Cantor	Fossella	Keller
Capito	Frank (MA)	Kelly
Capps	Franks (AZ)	Kennedy (MN)
Capuano	Frelinghuysen	Kennedy (RI)
Cardin	Frost	Kildee
Carson (IN)	Gallegly	Kilpatrick
Carter	Garrett (NJ)	Kind
Case	Gerlach	King (IA)
Castle	Gibbons	King (NY)
Chabot	Gillmor	Kingston
Chocola	Gingrey	Kirk
Clyburn	Gonzalez	Klecza
Coble	Goode	Kline
	Goodlatte	Knollenberg

Kolbe	Nunes	Sherman
Kucinich	Nussle	Sherwood
LaHood	Oberstar	Shimkus
Lampson	Obey	Shuster
Langevin	Olver	Simmons
Larson (CT)	Osborne	Simpson
Latham	Ose	Skelton
LaTourette	Otter	Slaughter
Leach	Owens	Smith (MI)
Lee	Oxley	Smith (NJ)
Levin	Pallone	Smith (TX)
Lewis (CA)	Pascarella	Smith (WA)
Lewis (GA)	Pastor	Snyder
Lewis (KY)	Paul	Solis
Linder	Payne	Souder
Lipinski	Pearce	Spratt
LoBiondo	Pence	Stark
Lofgren	Peterson (MN)	Stearns
Lowey	Peterson (PA)	Stenholm
Lucas (KY)	Petri	Strickland
Lucas (OK)	Pickering	Stupak
Lynch	Platts	Sullivan
Majette	Pombo	Sweeney
Maloney	Pomeroy	Tancred
Manzullo	Porter	Tanner
Markey	Portman	Tauscher
Marshall	Price (NC)	Tauzin
Matheson	Pryce (OH)	Taylor (MS)
Matsui	Putnam	Taylor (NC)
McCarthy (MO)	Quinn	Terry
McCarthy (NY)	Rahall	Thomas
McCollum	Ramstad	Thompson (CA)
McCotter	Rangel	Thompson (MS)
McCrery	Regula	Thornberry
McDermott	Rehberg	Tiahrt
McGovern	Renzi	Tiberi
McHugh	Reyes	Tierney
McInnis	Reynolds	Towns
McIntyre	Rodriguez	Turner (OH)
McKeon	Rogers (AL)	Turner (TX)
McNulty	Rogers (KY)	Udall (CO)
Meehan	Rogers (MI)	Udall (NM)
Meek (FL)	Rohrabacher	Upton
Meeks (NY)	Ros-Lehtinen	Van Hollen
Menendez	Ross	Velazquez
Mica	Rothman	Visclosky
Michaud	Roybal-Allard	Vitter
Millender-	Ruppersberger	Walden (OR)
McDonald	Rush	Walsh
Miller (FL)	Ryan (OH)	Wamp
Miller (MI)	Ryan (WI)	Waters
Miller (NC)	Ryun (KS)	Watson
Miller, Gary	Sabo	Watt
Miller, George	Sanchez, Linda	Waxman
Mollohan	T.	Weiner
Moore	Sanchez, Loretta	Weldon (FL)
Moran (KS)	Sandlin	Weldon (PA)
Moran (VA)	Saxton	Weller
Murtha	Schakowsky	Wexler
Musgrave	Schiff	Whitfield
Myrick	Schrock	Wicker
Nadler	Scott (GA)	Wilson (NM)
Napolitano	Scott (VA)	Wilson (SC)
Neal (MA)	Sensenbrenner	Wolf
Nethercutt	Serrano	Woolsey
Neugebauer	Sessions	Wu
Ney	Shadegg	Wynn
Northup	Shaw	Young (AK)
Norwood	Shays	Young (FL)

## NOT VOTING—24

Ballenger	Ehlers	Murphy
Boyd	Fletcher	Ortiz
Brady (TX)	Gephardt	Pelosi
Cardoza	Gilchrest	Pitts
Carson (OK)	Jenkins	Radanovich
Cubin	Kaptur	Royce
DeMint	Lantos	Sanders
Dingell	Larsen (WA)	Toomey

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1300

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

1300

# APPOINTMENT OF CONFEREES ON H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the Chair appoints the following conferees:

Messrs. Young of Florida, REGULA, LEWIS of California, WOLF, WALSH, HOBSON, BONILLA, KINGSTON, FRELINGHUYSEN, NETHERCUTT, LATHAM, GOODE, LAHOOD, OBEY, MURTHA, MOLLOHAN, Ms. KAPTUR, Mr. SERRANO, Ms. DELAURO, and Messrs. HINCHEY, FARR, BOYD and FATTAH.

There was no objection.

# WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 443

*Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.*

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, House Resolution 443 is a rule providing for the consideration of the conference report to accompany H.R. 6, the Energy Policy Act of 2003. The rule waives all points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

Over the past several months, more and more Americans have experienced firsthand the crippling effects of America's outdated energy systems. For example, natural gas supply shortages resulting from conflicting government policies have caused home heating bills to skyrocket and forced businesses to

lay off thousands of workers. In addition, this summer's great blackout exposed the vulnerability of our Nation's deteriorating electricity grids. It is absolutely critical that Congress approve a comprehensive national energy bill this year so that all Americans will have access to more efficient, affordable, and environmentally responsible energy supplies. As a Nation, we simply cannot afford to wait any longer for this important legislation.

I am pleased, therefore, that later today the House will have an opportunity to pass a conference report on H.R. 6 that clearly meets these imperatives. The conference agreement improves our Nation's electricity transmission capacity and reliability. It promotes a cleaner environment by encouraging new innovation and the use of alternative power sources.

The bill also authorizes \$200 million for the Clean Cities program, which will provide grants to State and local governments to acquire alternative fueled vehicles. The agreement promotes clean coal technology and provides incentives for renewable sources such as biomass, wind, solar, geothermal and hydroelectricity. It also provides leadership in energy conservation by establishing new mandatory efficiency requirements for Federal buildings and higher standards and stricter labeling for a variety of energy-consuming commercial products.

The conference report allows for stepped up natural gas exploration and development in the Gulf of Mexico and permits construction of a natural gas pipeline from Alaska's North Slope to the Lower 48. The bill also decreases America's dangerous dependence on foreign oil by increasing domestic oil and gas exploration and development on nonpark Federal lands and by expanding the Strategic Petroleum Reserve capacity to 1 billion barrels.

The bill encourages more nuclear and hydropower production by authorizing the Department of Energy to develop accelerated programs for the production and supply of energy and sets the stage for building badly needed nuclear power plants by reauthorizing the Price-Anderson Act.

Finally, Mr. Speaker, as a Member who represents a region heavily dependent on hydroelectric power, I am pleased that the conferees included bipartisan reforms of the lengthy and costly hydrorelicensing process. These reforms will maintain environmental standards while providing utilities the flexibility to reduce their costs in achieving those standards.

Mr. Speaker, the Nation needs this energy bill, and it needs it now. Accordingly, I urge my colleagues to support both the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, we live in a dangerous world, a place where America's major oil supplies can be disrupted by Middle East dictators. And here at home, we have seen the economic disruption that resulted from the distortion of the domestic delivery of electricity by those eager to game the system. We all agree that a comprehensive energy policy could help move this country toward greater energy independence and could prevent the kind of high rates that victimized millions of people throughout the West several years ago.

So, Mr. Speaker, I share the disappointment that so many Members feel about the nearly 1,000-page energy conference report that Republicans released just before 3 a.m. this morning, only a few short hours ago. Make no mistake, it contains some good provisions, like tax incentives for small, independent oil and gas producers. It also gives the Federal Energy Regulatory Commission new authority to establish mandatory reliability standards for utilities, as well as the power to sanction utilities that do not comply with them. And I am glad that Democrats have beaten back the Republican plan to spoil the Arctic National Wildlife Refuge. But it represents a missed opportunity, and it demonstrates the dangerous arrogance of this all-Republican government.

Mr. Speaker, Democrats support a balanced, comprehensive energy policy. We have proposed a plan to increase America's energy independence, strengthen the economy, and protect the clean air and water that we all value. Over and over again, we have tried to work with Republicans to pass such a plan but, true to form, Republicans have repeatedly refused to work with us. For this conference, they retreated to the secrecy of the back room to hold their discussions. They hid their negotiations in little rooms not open to anyone but a very few and shut out Members who were legitimately part of the conference process.

In doing so, Republicans ignored Members who represent nearly half of America, Members with extensive expertise in energy policy. They brought in Vice President CHENEY to broker deals but refused to work with the dean of the House, the gentleman from Michigan (Mr. DINGELL), a man who has probably passed more energy legislation than anyone in American history. They even shut out those Democratic conferees who voted for the original legislation when it passed the House.

Ultimately, that is why this conference report is so disappointing in so many respects. For instance, Republicans refuse to pay for even the \$23 billion that the tax provisions will cost U.S. taxpayers. Instead, they are simply increasing a Republican budget deficit that is already hovering around \$500 billion, and that will raise the Republican debt tax on all Americans.

Mr. Speaker, it would be interesting to hear Republicans explain why they

refuse to pay for energy tax breaks, especially since they have repeatedly blocked needed financing for veterans health care and homeland security by insisting that those priorities be paid for. But I am sure that that explanation will not be part of the Republican talking points today. Instead, we are going to see Republican Members march down here to the floor to blithely sing the praises of a nearly 1,000-page bill that almost none of them have read.

The truth is, almost no one knows what is really in this conference report. And almost no one knows which special interest got what special favor, and how much it will ultimately cost American taxpayers. That is because this bill ended as it started, in secrecy. It began in 2001 with Vice President CHENEY's infamous energy task force. And since the White House still refuses to come clean with the American people about its secret dealings with Big Energy executives, it should come as no surprise that this bill was finally pasted together last week in the back room of some Capitol hideaway, far removed from the scrutiny of the public.

Neither should it surprise anyone that one of the provisions buried in this massive bill would permanently establish Mr. CHENEY's energy task force in the White House, guaranteeing for it the secrecy the Bush administration so adamantly demands. Or that Republicans have violated the rules in order to sneak into the conference report numerous provisions that were not part of the original bills passed by either the House or the Senate.

Yesterday, Rules Committee Democrats wrote Chairman DREIER asking for a list of all the new provisions that violate the rules of the House, but Republicans refuse to publicize them. We do know that Republicans waived a Clean Air Act requirement aimed at cleaning up air pollution in metropolitan areas like my Dallas-Fort Worth home, despite my opposition and that of other area officials, like the gentlewoman from Dallas, Texas (Ms. EDDIE BERNICE JOHNSON) who led the fight against it in the House. And it will not surprise anyone when we discover, long after this bill has passed, that this conference report contains other hidden special favors for Republican special interests that had access to the final back-room negotiations that were closed to everyone else.

Mr. Speaker, that is the danger that some of my Republican colleagues on the Committee on Rules warned of a few years ago. In a 1993 report entitled, "The Decline of Deliberative Democracy in the People's House," Chairman DAVID DREIER and Representatives PORTER GOSS, DEBORAH PRYCE, and LINCOLN DIAZ-BALART wrote, "The House and Senate have been repeatedly embarrassed over the years by conference reports on voluminous pieces of legislation which have been voted on before even properly printed or distributed, let alone understood. Only after

their enactment have some of the provisions come back to haunt the Congress."

Mr. Speaker, that is why Democrats on the Committee on Rules yesterday, and this morning, urged Republicans to allow Members, the public and the press 3 days to examine the final conference report in detail. That is what the rules of the House require, and it is the only way to allow Members to make an informed decision about this conference report. But, apparently, Republicans do not want anyone to read this massive bill. Because instead of giving Members more time to examine it, they are waiving the House rules to rush it through the House today. It was nearly 3 a.m. today, Mr. Speaker, before House Republicans made the final conference report available, leaving Members with just a few short hours to read all 1,000 pages before voting on it. This is not just an outrageous abuse of the process; it is an insulting attempt to pull the wool over the eyes of the American people.

Mr. Speaker, Members have only one way to defend the public against this abuse, by voting "no" on the important parliamentary vote known as the previous question. If it is defeated, I will amend the rule to ensure that all Members have 3 days to examine the nearly 1,000 pages of this conference report before voting on it, as the rules of the House require.

Make no mistake, a "no" vote on the previous question will not defeat this conference report. It will only give Members a chance to actually read it. But a "yes" vote will allow Republican leaders to circumvent the rules of the House for no reason except to keep Members, the public, and the press in the dark.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to engage in a colloquy with the chairman of the Committee on Energy and Commerce concerning provisions of the conference report of importance to the citizens of the Pacific Northwest who receive the majority of their electricity from hydroelectric dams.

Mr. Speaker, I commend the chairman and conferees for agreeing to section 231 of the conference report, a set of long overdue reforms to the process for the relicensing of non-Federal hydroelectric projects. However, I want to ensure that these provisions are intended to apply immediately. Can the chairman provide this assurance?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes, I can. The conferees intend that section 231 of the conference agreement shall go into effect immediately upon enactment and be available to license applicants in all ongoing and future hydroelectric licensing proceedings under the Federal

Power Act. The conferees also note that section 231 is intended to complement, not undo, the reforms to the licensing process recently implemented by the Federal Energy Regulatory Commission.

Mr. HASTINGS of Washington. I thank the chairman for these clarifications and his leadership in the development of national energy legislation.

Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I would like at this point to engage the chairman in a colloquy as well.

Mr. Chairman, I seek clarification of section 704 which amends section 303(c) of the Energy Policy Act. I understand there are basically two ways vehicles are procured by Federal agencies. Either GSA acquires the vehicles and sells or leases them to agencies or in some cases agencies may acquire the vehicles directly.

□ 1315

Is it the intent of this provision to require GSA to allocate the incremental cost of all alternative vehicles it procures for other agencies, either by lease or purchase, so that the costs are allocated on a Federal Government-wide basis and not just across the vehicles procured by an individual agency? In other words, under this amendment will GSA be required to allocate the incremental cost of all alternative fuel vehicles it procures each year across the entire fleet it is responsible for?

Mr. TAUZIN. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, that is indeed our intent. Our purpose in requiring GSA to spread this incremental cost across the entire Federal fleet is, in fact, to remove the cost disincentive for some Federal agencies, to improve EPACT compliance, and to minimize the overall cost to the Federal fleet.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for that clarification, and I will proceed with my statement.

I thank the gentleman for yielding me this time. I rise today in support of this rule and the underlying bill that will make much needed improvements in the efficiency and security of our Nation's energy supply. Three months ago we experienced a blackout in the Midwest and Northeast unlike anything we have seen in almost 20 years. We never want to see a dark day like that again, a day where storefronts are dark, factories are shuttered, and the economy is brought to a halt. The repercussions of that day stretched far beyond the cities directly affected. They made every American feel vulnerable. They made every American wonder if their city was next. And after the lights came back on, everyone agreed on one thing, that the crisis could have

been prevented if the system had not been neglected. If reliability had been fostered, and if the correct incentives for maintenance, modernization, and expansion of our electricity grid had been created by an energy policy. Americans would not have been left hunting for candles or stranded in subway cars. The lack of a modern and coherent energy policy to ensure a consistent supply of energy left us very vulnerable. Approving a comprehensive overhaul of our energy system will accomplish two very important objectives: It will enhance our national security, and it will strengthen our economy through job creation.

We are making incredible progress on a prescription drug bill that will pass in a few days, I believe, but before our seniors can worry about drugs, they have to be able to keep themselves warm at night. So the leadership of this House has worked tirelessly to ensure that we formulate an energy policy that keeps the lights on while lighting the fire of our economy. This bipartisan plan will create nearly 1 million jobs in the energy and manufacturing sectors, recovering some of the lost jobs that high energy prices have stripped from Americans. This plan will put construction workers back to work. It will put truck drivers back on the road transporting raw materials for our energy needs and engineers back on their jobs designing a modern energy system that will propel us into the 21st century. This is how it should be. This is how our economy and our energy sector should work together, strengthening, rather than weakening, each other.

And, lastly, this bill will increase our supply and use of renewable fuels and, very importantly to Ohio, ethanol. Ethanol makes our gas burn more cleanly and helps our skies become more clear. The bill contains important steps towards fixing the ethanol tax penalty on the Highway Trust Fund. This fix could mean more than \$100 million for Ohio's transportation needs alone.

Now is the time when the rubber meets the road. Let us pass this bill without further ado and demonstrate our commitment to keeping the lights on in America's homes and businesses and our commitment to keeping Americans at work.

Mr. Speaker, I urge adoption of this fair rule and look forward to what I expect to be a very spirited debate today.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, the health of the American public could be seriously threatened. All across the United States for the past 30 years, a cancer-causing chemical has contaminated our drink-

ing water. In New York State alone, over 1,500 sites have been contaminated. This carcinogen, MTBE, has been added to gasoline as an octane enhancer since the 1970's, and over these past 30 years, the public has learned that MTBE can cause, among other things, lymphoma, liver, testicular and kidney tumors. Outrageously, the MTBE industry knew of the chemical's environmental dangers before putting it into widespread use, according to the United States Conference of Mayors.

Responding to the serious public health threat posed by MTBE, the New York legislature passed, and Governor Pataki signed, legislation to ban the use, sale, or importation of fuels containing MTBE. Upon signing the legislation, Governor Pataki said that "the use of MTBE in gasoline has significant environmental impacts on groundwater" and "New Yorkers deserve clean air and water."

Mr. Speaker all Americans deserve and expect clean water and clean air, but unfortunately while New York and other States like California and Connecticut are taking steps to protect our water, this energy bill conference report would take steps not to protect the public, but to protect the MTBE manufacturers at the expense of their health.

The 1,700-page conference report on the Energy Policy Act, finalized in the dark this morning, hands the MTBE manufacturers a lucrative gift of liability protection. Manufacturers are shielded from lawsuits for making a defective product, and they are handed a \$2 billion check during a 10-year phase-out period. The legal immunity bestowed upon MTBE manufacturers protects these producers from any case filed in the future and all cases previously filed.

I could go ahead about this, but the fact is that there were about four champions here who have had MTBE made in their districts in Texas and Louisiana. I want to urge all New Yorkers who hear my voice to vote against this bill because there is a \$29 billion unfunded mandate that goes to the people of the country to pay because we make sure the manufacturer does not.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and the conference report on H.R. 6, the Energy Policy Act. After a series of fits and starts over the past 3 years, Congress now stands ready to approve the first comprehensive national energy policy in more than a decade. As chairman of the Energy Subcommittee of the House Committee on Science, I am honored to have helped develop this legislation which addresses not only our immediate energy problems, but also makes a much-

needed and sustained investment in basic science and applied energy research that will lead to future energy solutions.

The national energy policy proposed by President Bush 2 years ago, and this conference report, both emphasize the use of advanced technology to expand and diversify our energy supply, meet growing demand and reduce the environmental impact of energy production and use. Advanced energy technologies grow out of basic-science and applied-energy research like that supported by the Department of Energy at our universities and national laboratories. It is this kind of R and D that will be strengthened by the passage of this conference report.

America now has the motivation perhaps like no other time since the oil crisis of the 1970's to find newer and better ways to meet our energy needs. But America also has the ingenuity and the expertise to meet our future energy demands and promote energy conservation, and we can do so in environmentally responsible ways that set a standard for the world.

Mr. Speaker, I do not believe that affordable energy and a clean and safe environment are mutually exclusive. We can have both at the same time if we put technology to work and cut some of the 1970's-style government red tape that has stifled the development of new supplies and infrastructure.

I urge my colleagues to support this rule and the conference report which uses science and technology to put America on the path toward a more secure and independent energy future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, as a ranking member of the House conferees on this energy bill, I would observe that like most of the other House conferees on the Democratic side, I was a conferee in name only. We had a ceremonial meeting to start it out, created no change in the bill. It was followed by a ceremonial meeting last night in which, again, no significant changes were made in the bill, which was written in the dark by, for, and with the assistance of the different special interests.

The conference on this bill does not reflect well on this body. Questions began early when the Senate decided to pass last year's energy bill and then to ignore its contents. Since the conference began, Democratic conferees were not invited to any substantive discussions. We have been forced to read the papers to find out what is in the bill.

The Record must be clear. Democrats were only provided drafts of certain titles of the bill at the same time they are made available to the public. Democratic staff made comments, but

significant recommendations were diligently ignored. I suspect the comments of lobbyists were met with vastly more success.

With regard to the controversial provisions of the bill relating to electricity, ethanol, and taxes, Democrats were never allowed to see any drafts until Saturday. We had no input in these matters. The rule waives the 3-day layover rule for conference reports, yet one more attempt to prevent Members of this body from having adequate opportunity to review the bill.

My Republican colleagues have decided to totally ignore any rules on scope. For example, there are amendments to the Clean Air Act that are neither bill. They have salted the report with dozens of special interest provisions, many of which were put in the tax title. Speaking of the tax title, it has grown like Topsey to \$23 billion, nearly three times the amount requested by the administration. So much for Republican fiscal discipline.

We held a conference meeting yesterday that helped shed some light on the bill, but little more. The Senate adopted seven amendments on a bipartisan basis. Within minutes, however, of the beginning of the debate on these recommendations on the House side, my Republican colleagues moved to reject all but two of the provisions they had previously worked out, and without debate the Senate then agreed.

I note the conference report includes a 139-page statement of the managers, nearly all of which relate to the tax portions. These pages on taxes were not made available to the conferees before the report was made available.

I am unable to support this bill for a number of substantive reasons, and I cannot recommend that the House should do so. I will discuss them during the debate on the conference report. The bill is an assault upon the Nation's environment. Rollbacks of the Clean Air Act and Clean Water Act, attacks on the Nation's rivers and the conservation provisions that protect fish and wildlife, abusive new provisions conferring special benefits on electrical utilities. The bill harms consumers and investors by repealing the Public Utility Holding Company Act and refuses to address the abuses of Enron and other companies that gouge consumers in California and other States west of the Rockies. Finally, the bill includes unattainable and massive subsidies to industry that are unlikely to affect the energy needs of the country.

I have worked on a lot of comprehensive energy and environmental bills during my time in this Chamber. All of them were the result of extensive bipartisan cooperation. This is the first energy bill I have had to oppose, and I regret that we were not permitted to develop a bipartisan bill that will bring real benefits to all Americans. Instead, we have before us a mishmash of controversial special interest proposals that were drafted in the dark of the night with little participation by any-

body, including the American public and the Members of this body, especially on this side of the aisle. This is an outrageous rule. Vote no on the rule. Vote no on the previous question. And when the Members get a chance, vote no on this outrageous legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, let me thank the Committee on Rules for the expeditious handling of this rule so that we can get to the final vote, we hope, on the energy conference report, which was approved last night in open conference on a voice vote on the House side and was approved on the Senate side by a ten to three bipartisan vote.

I wish to remind my colleagues that when this bill passed the House in April that it indeed was a bipartisan vote that sent it into the conference. And despite some of the rhetoric on the bill, let me give the House some actual facts.

The facts are that this is not at all a bill written in some dark room like conferees meeting in secret. There were nine public meetings to debate the comprehensive national energy bill since the year 2002.

□ 1330

That comprised about 24 hours and 47 minutes of meetings. In fact, since 2001, there have been 28 hearings, public meetings and hearings on this bill. In 2003, there was 7 hours and 22 amendments considered in the Committee on Energy and Commerce alone, not counting all the other committees of the House that have worked on this bill. The full committee markup took 15 hours, with 58 amendments considered. And again, last night in the conference, we considered another dozen or so amendments, several of which were adopted as we made our final offer to the Senate.

So, indeed, there have been a lot of public meetings and a lot of discussion. This process has gone on now for 3 years. Much of the conference committee report was worked out in conference with the Senate in last year's session in which about 60 or 70 percent of the conference work was done. In addition to which, in this year, in this conference, there were over 10 meetings between Republican and Democratic staff to work out details of the draft; and, in fact, there were 48 hours of discussion in those 10 meetings.

In short, there have been extensive public hearings and debate, and today I hope we will have the final debate on the most comprehensive energy policy perhaps this country has ever seen, certainly in the last 10 years, at a time when this country desperately needs energy security, affordability, and reliability. Never has there been a downturn in the U.S. economy that has not



been related to some prices in energy; and the downturn we recently experienced has been associated with high prices, shortages, blackouts, and, in some cases, a loss of jobs and loss of personal security, because plants have shut down and begun to talk about moving out of this great country. This bill is critical to stopping that job loss, to building another 800,000 to 1 million new jobs in this economy, and to creating new initiatives in conservation and renewable fuels and vast new initiatives to make sure that we burn cleaner fuels and that, in fact, this country is better off as we move into an economic future that all of us want and desire for our country.

Mr. Speaker, I urge adoption of the rule, and later I will urge adoption of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I thank the ranking member for yielding me this time.

I am pleased that the conference has included the Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development program in the conference report to accompany H.R. 6. This important provision would establish a new research and development program for these technically challenged regions to help the U.S. to meet its midterm gas demand with domestic resources.

As the original author in the last Congress and as coauthor this year, I am also pleased that the language in the report generally follows the intent and substance of the provision as reported from the Committee on Science.

Mr. Speaker, natural gas prices have eased somewhat as we enter this fall, but we should not be complacent about the need to invest in securing future supplies of natural gas. The Energy Information Administration says demand for natural gas will rise by over 50 percent in the next 2 decades. Let us be clear about our options for supply. The United States is not running out of natural gas. We have nearly 1,500 trillion cubic feet of technically-recoverable reserves, more than a 50-year supply.

Let us also be clear about the nature of these remaining reserves. Many of them are on Federal lands and are off limits to production by virtue of rules, regulations, and other things. These legal access restrictions are addressed elsewhere in H.R. 6, but almost all of these regions, with the exception of the shallow and deepwater regions under various moratoria, are subject to access restrictions; and without investment in research and development, physical access to these technically challenged regions will not produce a single cubic foot of natural gas.

We have this opportunity to address this problem through the ultra-deep-

water program in H.R. 6. The program will establish a unique partnership between government and industry to help ensure its objectives to meet midterm gas demand through development of these two technically challenged, but potentially prolific, provinces. Further, the program would pay for itself.

Mr. Speaker, too often government research programs are limited by size and scope and vagaries of the budget cycle and lack of incentives, but this type of focus and deadline will encourage the kind of ruthless execution we will need to meet the U.S. gas demand over the next decade.

Mr. Speaker, I am pleased that the conference has included the Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development Program in the conference report to accompany H.R. 6. This important provision would establish a new research and development program for these technically challenged regions to help the US to meet its midterm gas demand with domestic resources.

As the original author in the last Congress and coauthor with chairman BOEHLERT this year, we are also pleased that the language of the report generally follows the intent and substance of the provision as reported from the Science Committee.

Mr. Speaker, natural gas prices have eased somewhat as we enter the fall. But we should not be complacent about the need to invest in securing future supplies of natural gas. The Energy Information Administration says demand for natural gas will rise by over 50 percent in the next two decades. Let's be clear about our options for supply. The United States is not running out of natural gas. We have nearly 1,500 trillion cubic feet of technically recoverable reserves—more than a 50-year supply.

Let's also be clear about the nature of these remaining reserves. Many of them are on Federal lands and are off limits to production by virtue of rules, regulations and outright moratoria. These legal access restrictions are addressed elsewhere in H.R. 6.

But almost all of these regions—with the exception of the shallow and deepwater regions under various moratoria—are subject to access restrictions of the "technological variety." Without investment in research and development, physical access to these technically challenged regions will not produce a single cubic foot of natural gas.

We have this opportunity to address this problem through the Ultra-deepwater and Unconventional Onshore Natural Gas Supply Research and Development program in H.R. 6. The program would establish a unique partnership between government and industry to help ensure its objectives—to meet midterm gas demand through development of these two technically challenged but potentially prolific provinces. Further, the program would pay for itself. The increased production as a result of this R&D will mean significant increases in royalties to the Federal Treasury. A healthy royalty stream is critical to the future of other programs that rely on royalty funding such as the Land and Water Conservation Fund.

Finally, this new program would address the inadequacy of current research models, particularly in the applied energy R&D area. Too often, government research programs are lim-

ited by size and scope, the vagaries of the budget cycle, and the lack of incentives for public/private partnerships. In the energy arena especially, industry leadership and input is critical to success. Further, the program is terminated after 10 years. This type of focus and deadline will encourage the kind of "ruthless execution" we will need to meet U.S. gas demand over the next decade.

Permit me to make several points on specific congressional intent relative to the program. The program has two large subparts: the Ultra-deepwater Program and the Unconventional Onshore Program.

It has always been the intent of the authors that the Ultra-deepwater Program would be managed through a program consortium of academia, industry and research institutions, selected through a competitive solicitation managed by the Department of Energy. The expertise in the ultra-deepwater resides with academia, researchers and industry, not with the government; this knowledge and experience is critical to the success of the program. We further intend that the program consortium should, to the maximum extent possible, manage this program through large research consortia that will drive toward high-level production and royalty revenue goals.

The Unconventional Onshore R&D program would be managed by the Department of Energy, which has previous experience in managing such programs. It is our clear intent however, that DOE manage this program through substantial research consortia that are resource-based—as opposed to regionally based—and that are large enough, in both funding and participation, to make a substantial difference in gas and other petroleum production. A historic example of successful research consortia is found in the industry/academia/Gas Research Institute effort on coalbed methane that after roughly 10 years and a \$140 million investment, transformed coalbed methane from a hazard into approximately 8 percent of our domestic gas production.

It is our responsibility in Congress to do everything we can to ensure consumers and businesses that energy supplies will be abundant, affordable, and reliable, as well as produced and consumed in ways that minimize environmental impacts. It's also our responsibility to make certain that every Federal dollar is spent wisely as we provide for the public good.

The importance of natural gas was abundantly clear this year when the House Energy and Commerce Committee held a hearing to emphasize just how critical natural gas is to our economy and the Nation's energy supply. The Ultra-deepwater and Unconventional Gas Supply R&D provisions in H.R. 6 will add new natural gas supplies quickly to help ensure our Nation's energy security. I thank my colleagues for working with us in the development of this program and urge their support in the adoption of the Conference Report.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. BARTON), the subcommittee chairman handling this legislation.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, if we look at the marble slab behind

the Speaker's rostrum, it starts out with the quote, "Let us develop the resources of our great land," and it goes on in some detail. That is by Daniel Webster.

If there was ever a time that we were before this body fulfilling that wish of Daniel Webster, it is today. This energy bill that is before us touches every energy source in our country.

If my colleagues think that we need to do more to develop our conventional resources of oil, gas, nuclear, coal, and hydro, it is in this bill. If my colleagues think we need to do more to develop our renewable resources like solar and hydroelectric and biomass and wind power, it is in this bill. If my colleagues think we need to focus on the future and try to find new alternative sources of energy like hydrogen, it is in this bill. If my colleagues think that we need to do something to structure the reform, the basic energy systems of our country like the electricity grid, it is in this bill.

I could go on and on and on, but I will simply say that this is the most comprehensive energy bill that has ever been before a Congress of the United States of America, and it is long overdue.

I am very proud of this bill. I have been working on it in some shape, form, or fashion for 19 years that I have been in the Congress. As subcommittee chairman of the Subcommittee on Energy and Power, I have been working on it for almost 6 years. So I think it is an excellent bill. It passed the House in a bipartisan fashion back in April. As the chairman of the committee has pointed out, the Senate conferees voted for it in the conference report 10 to 3 last evening. When we get the bill to the floor later this evening, it will pass in a very bipartisan fashion with 50 to perhaps even as many as 100 Democrats voting for it.

Mr. Speaker, I want to thank our chairman for his excellent work, the gentleman from Louisiana (Chairman TAUZIN). We could not have had a better senior negotiator for the House position than him. I want to thank Senator DOMENICI in the other body for his excellent work. And I want to thank the committee staffs who have worked so hard on the bill: Dan Brouillette, Jim Barnette, Mark Menezes, Andy Black, Jason Bentley, Dwight Cates, Bill Cooper, Sean Cunningham, Bob Meyers and, on my staff, Ryan Long and Joby Fortson.

This is a good bill. Vote for the rule, vote against the motion to recommit, and vote for final passage.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, fool me once, shame on you. Fool me twice, shame on me. I say to the White House, wake up, because you just lost West

Virginia. You got us once, but not again.

This bill contains nothing for the coal miner and coal field communities. It seeks to lull us into complacency with false promises of future spending for clean coal technology that maybe, perhaps, some day will translate into real money. This bill says to us in the coal fields, go trolling for dollars while we bust open the doors of the Treasury and shovel out loads of cash and tax breaks to Big Oil. Billions of dollars. This bill digs deep into the pockets of West Virginians, and we get nothing in return.

We sought to have provisions inserted into this bill to reclaim our abandoned coal mine lands so that we can rebuild our coal field economies. Just payment. Just payment for the coal that we produced that fired the industrial revolution, took us through a war, and sparked the technological revolution. And we sought to have provisions inserted for promised coal miner health care. They gave their all to produce the coal in back-breaking conditions that made this country the world power that it is that helps produce domestic energy security.

Yet, the pleading voices of coal miners and their widows hailing from southern West Virginia to the Powder River Basin met deaf ears in this conference. Why? I will tell my colleagues why. Because it does not involve handing out goodies to multinational energy corporations. Then it is not in this bill, if it does not involve that.

Believe you me, they are partying today in the corporate boardrooms of America, but in the hills and hollers of Appalachia, this is no laughing matter. You take us for a fool. You try to play the coal miner for a fool. You are going to get burned for that, I say to the White House. You are going to get burned if you continue to try to do that.

In the words of my senior Senator, fie on the White House, fie on the White House. Shame on you. Let us defeat this terrible piece of legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman for yielding me this time. I want to congratulate all of the people who have worked so hard on this bill. America has waited far too long for a comprehensive, coordinated energy policy. There are a lot of good things I could say about this bill, but I want to talk just specifically about the renewable fuel standard and what it will mean to rural America, what it will mean to energy independence and, ultimately, what it will mean for a cleaner environment.

Last week we in the House had a little hiatus and one of the things I did is I took a trip to the western part of my district. Out in the western part of my district we have what is called the Buffalo Ridge. Literally, from as far as the

eye can see in one direction and the other direction, you see these wind farms going up, making clean, clean energy, using the wind. It is an amazing thing.

I also stopped at a little town called Brewster where we are now building the largest, I think perhaps in the world, biodiesel plant in Brewster, Minnesota. It is going to be farmer owned.

Let me just talk about some of the things this renewable fuel standard is going to do. With the requirements that are in here for 5 billion gallons of ethanol and biodiesel by 2012, let me just explain what it will mean to rural America. It will reduce our crude oil imports by 1.6 billion barrels. It will reduce the foreign trade deficit by \$34 billion. It will create 214,000 good-paying jobs here in America. It will increase U.S. household income by \$51.7 billion. It will create \$5.3 billion in new investment, in renewable fuel production facilities; and it will increase the demand for grain, mostly corn, by an average of 1.4 billion bushels of corn and soybeans per year.

Mr. Speaker, this is a good bill. It is overdue, it is timely, it is time that we have a coordinated energy policy. I think I speak on behalf of those who breathe our air, those who are concerned about energy independence and saying that one of the best parts about this bill is the renewable fuel standard and what it will mean for rural America and what it will mean for our environment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what we are seeing with this energy bill is the result of a highly partisan, secretive process in which Republicans have been talking only to other Republicans and the oil and the gas and the nuclear and the coal and the electric utility industry. Well, they have treated the Democratic minority and the environmental and consumer groups with the maximum possible disregard and with political arrogance. It is the final stages of the implementation of the secret energy task force meetings that began in Vice President CHENEY's office.

This bill is the worst piece of legislation that has been brought before this legislative body in many decades. It is an appalling concoction of tax breaks, subsidies, and pork barrel spending for wealthy oil, natural gas, nuclear, coal, and utilities industries. It turns over control of the American people's lands to energy companies that will be free to ravage and rape the environment with little or no restraint.

It pays polluters, pays polluters to clean up the messes that they have created and subsidizes them to pollute some more. It will make our Nation's air dirtier. It will make our water dirtier, and it will make ordinary people pay higher energy bills for the privilege of having dirtier air and dirtier water, more asthmas, more cancers, and more deaths due to pollution. And

all of this done with \$138 billion in borrowed money from the Social Security and Medicare trust fund because our country is in deficit and it must borrow the money.

□ 1345

And worst of all, it dishonors the sacrifice made by 130,000 of our young men and women in Iraq today, guarding oil fields. We know we now import 60 percent of our oil from overseas. If we do not do something that deals with the amount of oil that we consume in our SUVs and our automobiles, if we do not do something about fuel economy for air conditioners, then in another 10 years we will be 80 percent dependent upon imported oil from overseas. That is where we are heading.

This bill does nothing to deal with where we put oil in our country. We put it into gasoline tanks. We ignore that fact. It deals not with the fact that 70 percent of peak demand in the summer goes for air conditioning. Are we kidding ourselves out here today? This bill is a disaster. And meanwhile, there is \$138 billion worth of subsidies in tax breaks, in new authorizations for which industries? Oil, gas, coal, nuclear, the wealthiest industries getting all of these tax breaks.

This is a terrible bill. Vote no on the rule and no on final passage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise today to thank and commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON) for what I think is excellent work in the House and in the conference. This is landmark legislation. I think it absolutely defines the word comprehensive.

It is going to decrease dependence on foreign oil. It enhances the electricity grid ensuring reliability and protecting native load. It is a boon for our consumers. After dozens, upon dozens, upon dozens of hearings over the last 3 years, and a few empty trips to the red zone, we are now on the goal line today.

Vote yes to score a victory, ladies and gentlemen, for the American consumers.

Mr. Speaker, with the balance of my time I would like to enter into a colloquy with the gentleman from Louisiana (Mr. TAUZIN).

I have a couple of questions regarding the native load provision of section 1236 that I was hoping that the distinguished chairman might be able to answer.

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield, I will be happy to try.

Mr. NORWOOD. Mr. Speaker, it is my understanding that the provision requires FERC to allow utilities with service obligations to reserve sufficient transmission capacity to serve the power supply needs of existing native load customers as well as the future

growth needs of those customers and that the commission regulations must conform to this intent. Is that correct, Mr. Speaker?

Mr. TAUZIN. Mr. Speaker, the gentleman from Georgia (Mr. NORWOOD) is absolutely correct.

Mr. NORWOOD. Mr. Speaker, how about section 217(c), does that allow FERC to compel load-serving entities to give up any transmission rights that are not covered by section 217(a)?

Mr. TAUZIN. Mr. Speaker, it does not. These entities can continue to use their transmission rights as now allowed under the Federal Power Act.

Mr. NORWOOD. And lastly, Mr. Speaker, I would like to inquire of the gentleman about the section 1242, the participant funding. Would this provision allow a transmission provider to charge all of his transmission customers, including the party requesting an upgrade, the same embedded cost transmission charges?

Mr. TAUZIN. Mr. Speaker, yes, it does. And it is a little complex, so let me try to explain. Briefly the requester would, in fact, pay the same transmission cost as any other transmission customer. The embedded cost language simply clarifies that in the up-front lump-sum payment to fund the upgrade, the requester is not required to pay both the cost of the physical upgrade and the entire future cost of any monetary credits or the compensation the requester will later receive.

The embedded cost of the physical upgrade is not rolled into the rate base because it is paid for up front by the requester. The cost of the upgrade in terms of the monetary credits used to compensate the requester, however, are rolled into the rate base. Thus, these costs are included in the imbedded cost transmission charges on a prorated base as the credits are provided to the requester. All transmission customers, of course, must pay this transmission charge.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for that clarification. Once again, let me not just thank the chairman, but the Committee on Energy and Commerce and the hard work of all our staffs. This is fine work. I encourage everybody to vote for this rule and the final bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge my colleagues to oppose this rule. As a Republican Member of the other body stated the other day, this bill should be called "Leave No Lobbyist Behind." This bill is an inappropriate vehicle for amending the Clean Air Act. It makes absolutely no sense to protect the MTBE manufacturers from civil liability while opposing a phase out of the dangerous carcinogenic chemical. This has been going on since the court order in 1996 getting one waiver after another.

The provisions in this bill will mean more asthma attacks, hospital visits,

and premature deaths for residents of ozone nonattainment areas such as Dallas/Fort Worth.

Mr. Speaker, we have about 88,000 children with asthma in the Dallas/Fort Worth area. The bill will force my constituents and everyone else's constituents in the Dallas/Fort Worth area to breathe dirty air, unhealthy air until 2012.

In their desire to pass any comprehensive energy bill, some of my colleagues may be willing to overlook the massive damage this bill would do to existing clean air policies, but we must not pass a bill with great shortfalls simply because we need to pass a bill. We need a fair bill that protects us all. We should not, and we must not, endanger ourselves or our children.

I urge my colleagues that want clean air to oppose this rule and this porker of a bill. This bill is a waste of taxpayer's dollars. It is a first-class ticket to fossil fuel dependence. It is an invitation to destroy the lungs of 127 million Americans who already breathe in air that violates Federal standards.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Louisiana (Mr. TAUZIN).

Mr. Speaker, since 1992 section 212(j) of the Federal Power Act has provided very important protections for the Tennessee Valley Authority and all the people and businesses of the TVA region from one-way competition from other suppliers as an equitable balance to those provisions of the TVA Act which greatly restrict TVA's ability to sell excess power outside the TVA region.

I wanted to verify that it was not the intention of the conference committee for any provision of the Energy Policy Act of 2003 to be construed to repeal the protections from such one-way competition provided by section 212(j).

Mr. TAUZIN. Mr. Speaker, the gentleman from Tennessee (Mr. DUNCAN) is correct. It was not the intention of the conference committee for any provision to repeal the protections provided by section 212(j).

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule and to the bill. It is ludicrous to have only 1 hour of debate on the rule and 1 hour on such an important bill.

America faces real problems with its energy needs. We need to reduce our dependence on foreign oil. But instead of pursuing the program of energy efficiency, we have a bill that pursues a policy of political payback and corporate welfare. My Republican colleagues are constantly saying they do not like wealth distribution, but this bill will suck dollars out of the pockets of New Yorkers and others to pay for unnecessary ethanol subsidies to huge Agra businesses.

The majority has talked to a good game against unfunded mandates. This bill was a case of "do as I say, not as I do." There is a liability shield for MTBE makers so that New York taxpayers could be forced to pay for cleanups, but this bill also provides \$2 billion in subsidies for the MTBE makers to transition to other work.

This bill takes us back in time by weakening the Clean Air Act and Clean Water Act. Why are we letting polluters make policy? Why we going to weaker standards? I think we know the answer: Because oil and gas companies find it cheaper to pollute and push off the true cost of their activities to the real people in this country. This bill is a disgrace. I am sick and tired of coddling polluters and sticking the average Joe with the cost of fixing polluters' problems. We should stand up for America and stand up for energy independence and future generations and vote down this rule and this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in strong support for the rule and strong support for the conference report, H.R. 6, the Energy Policy Act of 2000.

I serve as a conferee between the Senate and House. We gave developed, in my opinion, a very balanced, sensible bill with production initiatives with conservation. The electricity portion of the bill, one of the most controversial items we have dealt with, sets the stage, I believe, for investment and reliable operations to bring our energy markets into the 21st century.

The bill also provides incentives for renewable energy production, clean coal technology, low-income energy assistance, provides for certainty and reliable operation of our energy markets, and increased domestic production.

As this graph shows, renewable energy, providing new solutions like hydrogen fuel cells, will provide economic and environmentally safe energy solutions and prevent blackouts.

This bill promotes investment in critical electric transmission capacity and efficiency. So I commend my colleagues the gentleman from Texas (Mr. BARTON) and the gentleman from Louisiana (Mr. TAUZIN) and their staff. They have done yeoman's service in bringing this bill to the floor. I urge my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, this is an energy bill that will do nothing to help the families living in southern Nevada with the cost of their power. Whatever good provisions may be in the bill are buried under billions of dollars in subsidies for the nuclear industry.

I am appalled that this Nation would spend one cent more on nuclear energy when there is no safe way to ship and no safe way to store radioactive nu-

clear waste. There is also no provision in this legislation to address this Nation's dependence on foreign oil. We will be importing just as much oil if this bill passes as we are today. And we will continue our unholy alliance with Middle East countries that export terrorism and finance terrorists.

Finally, I am disappointed that the overwhelming majority of tax incentives in this bill are reserved for nuclear, coal, oil and natural gas. This subsidies come at the expense of renewable energy sources such as wind, solar, and geothermal that must be a major component of any long-term energy policy for this Nation if this Nation is to ever be energy independent.

Mr. Speaker, I urge my colleagues to oppose this rule, oppose the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in strong support of the rule and strong support of final passage of this legislation which is so important to the economy of our country. I also wish to commend the gentleman from Louisiana (Chairman TAUZIN) of my committee for his leadership.

Mr. Speaker, for 3 years this work, this legislation has been in the making, which, of course, is too long. But I would like to point out that a key component of this legislation as we work towards energy independence is conservation. And we think about who consumes energy in America, 20 percent of the energy we consume in our Nation is consumed in our homes by residential consumption of energy.

I would note in this legislation, there is an important provision which provides an energy efficient homes tax credit rewarding homeowners and homebuilders for investing in better insulation and better windows and better doors and sealing their home, and encouraging homebuilders when they build a new house to use more energy efficient technologies in heating and cooling. This is important legislation.

This tax credit provides individuals and businesses up to \$2,000 tax credit, which means the first 20 percent of the first \$10,000 they invest they can recover by reducing their tax burden to the Federal Government. The bottom line is we need to provide incentives for our homeowners and those who build homes, provide for more energy-efficient house.

When I talk with those who build homes, they tell me that often a consumer will come in, if they are going to spend a little extra money, they want to invest that money in a nicer bathroom or nicer kitchen, something they can see, and that energy efficiency and energy conservation is a second thought.

What is monumental about this legislation that is before us today is we provide a real incentive for homebuilders and homeowners to invest in making their homes more energy efficient by providing for up to a \$2,000 tax credit in

energy-efficient homes. Bottom line, this is good legislation, deserves bipartisan support. I urge an aye on the rule and an aye on final passage.

□ 1400

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me time.

Whether it has been 3 years or 6 years, the fact is the Committee has produced a comprehensive bill. You do not have a comprehensive energy policy. \$138 billion in total costs may buy support, but it is not going to buy energy independence. It avoids meaningful energy conservation that would have permanent savings for every American every year. It avoids meaningful investment in renewables. Simply defining nuclear energy as a "renewable energy source" is not an adequate alternative.

The \$138 billion pales in comparison to the hidden cost to our environment, to our air, our water, and increased global warming. It will extend our dependence on fossil fuels for decades to come. Three years, 6 years, 12 years, and hidden Republican only conference meetings produced a huge, special interest driven bill. What you have lost is an opportunity to have a comprehensive energy policy that would make this country safer, cleaner and more economically secure.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I want to congratulate the gentleman from Louisiana (Mr. TAUZIN) on, I think, a very good bill, controversial but weaving a lot of disparate sections together. I thank him and the others for the hard work and determined effort that went into the completion of this conference report.

I want to point out two sections in particular under my committee's jurisdiction which demonstrate the value we have gotten in adding flexibility to government contracting. First, we have the energy savings performance contracts that we make permanent in this legislation. Energy savings performance contracts, ESPCs, allow agencies to contract with energy service companies to upgrade and retrofit existing Federal buildings with modern, energy-efficient equipment. The agencies pay for this upgrade using the energy savings generated by the upgrade themselves.

These contract mechanisms enable the Federal agencies to improve energy efficiency of their facilities without depending on annual congressional appropriations for capital improvements. From 1988 to 2000, agencies using ESPCs to leverage an estimated \$795 million in private sector financing for

energy improvements in Federal buildings, resulted in a 20-percent savings. This legislation makes ESPCs permanent.

I also want to describe a new acquisition authority granted in this legislation. This is the authority granted by the Department of Energy to engage in what are called Other Transactions in certain circumstances. Other Transactions, OTs, are contractual arrangements that support research and development without using standard procurement contract grants or cooperative agreements. They have been used successfully in the Department of Defense for a number of years.

Firms who are understandably hesitant to conduct research for the government because of government patent rules, accounting practices, and business requirements are willing to consider working with us under these arrangements. Some companies that have tried to work with the government under normal procurement rules have found it impossible to remain competitive in the private sector and contract under standard government restrictions and rules.

It is time to recognize the government needs the best, the most innovative research available. We need to become increasingly self-reliant in the energy field. We need to engage inventive firms that have until now refused to do business with the Federal Government because of arcane and inflexible standards.

This new flexibility is a major step toward harnessing the magic of America's research and development center in our quest for energy independence. I urge an "aye" on the rule and an "aye" on the bill.

The SPEAKER pro tempore (Mr. QUINN). The Chair would state that the gentleman from Washington (Mr. HASTINGS) has 2 minutes remaining. The gentleman from Texas (Mr. FROST) has 4 minutes remaining.

Mr. FROST. Mr. Speaker, does the gentleman have multiple speakers or only one speaker?

Mr. HASTINGS of Washington. Mr. Speaker, I will be closing, so I have one more speaker.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it seems to me that every Member of this House, whether or not they are supporting this bill, should be concerned that we are about to cast a vote on a major piece of legislation that only a small handful of House Members have read.

This conference report is over 1,000 pages long. I cannot understand why the Republican majority is insisting that this conference report be voted on today when its provisions could have such a direct impact on energy securities of the United States and Members have not been given an adequate opportunity to read and digest its contents.

Mr. Speaker, the rules of the House give Members 3 days to read a conference report after it is filed. Clause 8(a)(1)(a) of rule XXII states that "it shall not be in order to consider a con-

ference report until the third calendar day on which the conference report and the accompanying joint explanatory statement have been made available to Members in the CONGRESSIONAL RECORD."

Those who are insisting that the House proceed with all due haste will argue that the text has been on the Web site of the Committee on Ways and Means since this weekend, late Saturday night to be exact.

Mr. Speaker, what was posted Saturday night was not the final version of the agreement and the statement of managers was not included. A fine point, perhaps, but an important one.

The wholesale denial of the rights of Members to know what they are voting on is something Republicans complained of bitterly when they were in the minority. Well, I would argue that the Republicans might have been crying wolf because now that they have controlled this Chamber for nearly 9 years, they seem to have completely forgotten what they once said.

So in an attempt to remedy the wrong they have complained of in the past and that they are now so eager to perpetrate, I am asking Members to vote "no" on the previous question so this rule can be amended to give each Member the opportunity to find out what is in a bill that is written in closed meetings and secret places. That is only fair, Mr. Speaker.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is an important bill and it will be a historic step when we vote on the bill after we dispose with the rule.

Let me just go through the extensive hearings that the committees involved with this have had over this year. As was mentioned by the chairman, the Committee on Energy and Commerce Committee held 28 public hearings, four markups, 43 hours in total, and considered 159 amendments. The Committee on Resources held 32 hearings, three markups, over 100 hours, and considered 38 amendments. The Committee on Science held 16 public hearings, two markups. They have considered 21 amendments. The Committee on Ways and Means held six hearings, four markups, and they had six amendments offered to their part of the bill.

It is an important bill, Mr. Speaker. I urge the Members to support the rule, defeat the previous question, and support the underlying legislation.

Mr. FROST. Mr. Speaker, I ask unanimous consent to insert the text of the amendment at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION ON H. RES. 443, RULE FOR H.R. 6, THE CONFERENCE REPORT ON THE ENERGY POLICY ACT

Strike all after the resolving clause and insert in lieu thereof the following:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. All points of order against the conference report and against its consideration (except those arising under clause 8(a)(1)(A) of rule XXII) are waived."

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 16, as follows:

[Roll No. 628]

YEAS—225

Aderholt	Collins	Hart
Akin	Cox	Hastings (WA)
Alexander	Crane	Hayes
Bachus	Crenshaw	Hayworth
Baker	Cubin	Hefley
Ballenger	Culberson	Hensarling
Barrett (SC)	Cunningham	Herger
Bartlett (MD)	Davis, Jo Ann	Hobson
Barton (TX)	Davis, Tom	Hoekstra
Bass	Deal (GA)	Hostetler
Beauprez	DeLay	Houghton
Bereuter	Diaz-Balart, L.	Hulshof
Biggart	Diaz-Balart, M.	Hunter
Bilirakis	Doolittle	Hyde
Bishop (UT)	Dreier	Isakson
Blackburn	Duncan	Issa
Blunt	Dunn	Istook
Boehlert	Ehlers	Janklow
Boehner	Emerson	John
Bonilla	English	Johnson (CT)
Bonner	Everett	Johnson (IL)
Bono	Feeney	Johnson, Sam
Boozman	Ferguson	Jones (NC)
Boucher	Flake	Keller
Bradley (NH)	Foley	Kelly
Brady (TX)	Forbes	Kennedy (MN)
Brown (SC)	Fossella	King (IA)
Brown-Waite,	Franks (AZ)	King (NY)
Ginny	Frelinghuysen	Kingston
Burgess	Galleghy	Kirk
Burns	Garrett (NJ)	Kline
Burr	Gerlach	Knollenberg
Burton (IN)	Gibbons	Kolbe
Buyer	Gillmor	LaHood
Calvert	Gingrey	Latham
Camp	Goode	LaTourette
Cannon	Goodlatte	Leach
Cantor	Goss	Lewis (CA)
Capito	Granger	Lewis (KY)
Carter	Graves	Linder
Castle	Green (WI)	LoBiondo
Chabot	Greenwood	Lucas (OK)
Chocola	Gutknecht	Manzullo
Coble	Hall	McCotter
Cole	Harris	McCrey

McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Platts  
Pombo  
Porter

Portman  
Pryce (OH)  
Putnam  
Quinn  
Ramstad  
Regula  
Rehberg  
Rosen (KS)  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)

Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NAYS—193

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Case  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Filner  
Ford  
Frank (MA)  
Frost  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez

Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
Klecza  
Kucinich  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar

Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velazquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—16

Boyd  
Carson (OK)  
DeMint  
Fattah  
Fletcher  
Gephardt

Gilchrest  
Jackson-Lee  
(TX)  
Jenkins  
Kaptur  
Lantos

Meeks (NY)  
Pitts  
Radanovich  
Sanders  
Toomey

## □ 1429

Messrs. LYNCH, BACA, THOMPSON of Mississippi, HINCHEY, ORTIZ and RUSH changed their vote from “yea” to “nay.”

Mrs. JOHNSON of Connecticut, Ms. ROS-LEHTINEN, Ms. PRYCE of Ohio, and Messrs. CARTER, SESSIONS, JOHN and TERRY changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 167, not voting 19, as follows:

[Roll No. 629]

## AYES—248

Aderholt  
Alkin  
Alexander  
Bachus  
Baker  
Ballenger  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Bereuter  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Boucher  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole  
Collins  
Costello  
Cox  
Cramer  
Crane  
Crenshaw

Cubin  
Culberson  
Cunningham  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dooley (CA)  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
English  
Everett  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fossella  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Goss  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling

Herger  
Hinojosa  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Janklow  
Jefferson  
John  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
Matsui  
McCotter  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)

Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Platts  
Pombo  
Pomeroy  
Porter  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Ramstad

Regula  
Rehberg  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Sandlin  
Saxton  
Schrock  
Scott (GA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder

## NOES—167

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Case  
Clay  
Clyburn  
Conyers  
Cooper  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Doyle  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Filner  
Ford  
Frank (MA)  
Frost  
Gonzalez  
Gordon  
Grijalva  
Harman

Hastings (FL)  
Hill  
Hinchey  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Johnson, E. B.  
Kanjorski  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
Klecza  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar

Obey  
Oliver  
Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Price (NC)  
Rahall  
Rangel  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Schakowsky  
Schiff  
Scott (VA)  
Serrano  
Lowey  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar

## NOT VOTING—19

Boyd  
Burr  
Carson (OK)  
DeMint  
Fattah  
Fletcher  
Gephardt

Gilchrest  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (CT)  
Jones (OH)  
Kaptur

Lantos  
Meeks (NY)  
Pitts  
Radanovich  
Sanders  
Toomey

□ 1437

So the resolution was agreed to.

The result of the vote was announced  
as above recorded.A motion to reconsider was laid on  
the table.

## NOTICE

*Incomplete record of House proceedings. Except for concluding business which follows,  
today's House proceedings will be continued in the next issue of the Record.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today after 1:30 p.m. on account of personal reasons.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today before 1:30 p.m. on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, November 19, 20, 21.

Mr. NUSSLE, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, November 19.

## SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1743. An act to permit reviews of criminal records of applicants for private security office employment; to the Committee on Education and the Workforce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADJOURNMENT

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, November 19, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5421. A letter from the Secretary, Department of Agriculture, transmitting the Department's draft bill entitled, "To make technical amendments to the Commodity Promotion, Research, and Information Act of 1996"; to the Committee on Agriculture.

5422. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP-2003-0329; FRL-7330-2] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5423. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 99-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5424. A letter from the Acting, Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting four quarterly Selected Acquisition Reports (SARs) for the quarter ending September 30, 2003, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

5425. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates for P.L. 108-26 and P.L. 108-27, which became law on May 28, 2003, P.L. 108-40, which became law on June 30, 2003, and P.L. 108-74, which became law on August 15, 2003; to the Committee on the Budget.

5426. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled "Olmstead: Reclaiming Institutionalized Lives," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

5427. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Regional Haze Rules to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographical Area; Direct Final Rule, Removal of Amendments. [FRL-7579-6] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5428. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Stage I and Stage II Vapor Recovery at Gasoline Dispensing Facilities [DE067-1041a; FRL-7586-2] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5429. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Kansas Update to Materials Incorporated by Reference [KS-192-1192; FRL-7580-6] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5430. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Permits by Rule, Control of Air Pollution by Permits for New Construction or Modification, and Federal Operating Permits [TX-154-1-7590; FRL-7585-8] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5431. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District [CA261-0420a; FRL-7582-2] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5432. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Final Approval Of Operating Permit Program Revision; Michigan [MI 82-02; FRL-7585-3] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5433. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration [FRL-7583-7, E-Docket ID No. A-2001-0004 (Legacy Docket ID No. A-90-37)] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5434. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment [SFUND-1988-0002; FRL-7584-8] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5435. A letter from the Deputy Secretary, Department of State, transmitting the annual report of the activities of the United Nations and of the participation of the United States therein during the calendar year 2002, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

5436. A letter from the Assistant Secretary for Legislative Affairs, Department of State,



transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 120-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom (Transmittal No. DTC 112-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-08 on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993, as amended, and the Section 502 of the FREEDOM Support Act, pursuant to 22 U.S.C. 5952 note; to the Committee on International Relations.

5439. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 5, 2003, the 15% Danger Pay Allowance for Saudi Arabia was terminated due to the ending of authorized departure status, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

5441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Ukraine is committed to the courses of action described in section 1203 (d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160) as amended, and Section 502 of the FREEDOM Support Act (Public Law 102-511); to the Committee on International Relations.

5442. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's new Strategic Plan, prepared in response to the Government Performance and Results Act of 1993 (Results Act); to the Committee on Government Reform.

5443. A letter from the Director, Office of Management and Budget, transmitting the Office of Management and Budget's Fiscal Year 2003 Inventory of Commercial Activities, pursuant to Public Law 105—270; to the Committee on Government Reform.

5444. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's draft bill entitled, "To adjust the boundary of John Muir National Historic Site, and for other purposes"; to the Committee on Resources.

5445. A letter from the Clerk, United States Court of Appeals for the District of Columbia, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (02-5056--The Williams Companies and Dynegy Midstream Services, Limited Partnership v. Federal Energy Regulatory Commission (October 10, 2003)); to the Committee on Resources.

5446. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting A report on Aquifer Storage and Recovery Project, Miami-Dade County, Florida, pursuant to Public Law 106—541, section 601 (m) (114 Stat. 2692); to the Committee on Transportation and Infrastructure.

5447. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa, Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa and Crystal River, Florida [COTP Tampa 03-006] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5448. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hatteras Island, NC [CGD05-03-166] (RIN: 1625-AA00) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-03-035] (RIN: 1625-AA09) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mianus River, CT. [CGD01-03-101] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento River, Sacramento, CA [COTP San Francisco Bay 02-018] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5452. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brunswick River, Brunswick, GA [COTP Savannah 03-111] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5453. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, International Trade and Convention Center, Savannah, GA [COTP Savannah 02-110] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah 02-090] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5455. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30390 ; Amdt. No. 3077] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5456. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747SP and 747SR; 747-100B, -200B, -200C, -200F, -300, -400, and -400D; and 767-200 and -300 Series Airplanes [Docket No. 2002-NM-106-AD; Amendment 39-13326; AD 2003-20-08] (RIN:

2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5457. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-31 and DC-9-32 Airplanes [Docket No. 2003-NM-61-AD; Amendment 39-13324; AD 2003-20-06] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30391 ; Amdt. No. 3078] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Assistant Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule — Advance Construction of Federal-aid Projects [FHWA Docket No. FHWA-1997-2262; Formerly FHWA 95-10] (RIN: 2125-AD59) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nonpoint Source Program and Grants Guidelines for States and Territories — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards; Withdrawal of Federal Aquatic Life Water Quality Criteria for Copper and Nickel Applicable to South San Francisco Bay, California [FRL-7583-9] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards; Withdrawal of Federal Nutrient Standards for the State of Arizona [FRL-7584-1] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Determination pursuant to Section 344(b) of the Trade Act of 2002; to the Committee on Ways and Means.

5464. A letter from the Secretary, Department of Homeland Security, transmitting a letter correcting the legal citation of a letter dated May 23, 2003; to the Committee on Homeland Security (Select).

5465. A letter from the Secretary, Department of Homeland Security, transmitting notification of the establishment of an organizational unit within the Department of Homeland Security and the reallocation of functions among officers at the Department, pursuant to Public Law 107—296, section 874; to the Committee on Homeland Security (Select).

5466. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-04 on Waiving and Certification of Statutory Provisions Regarding the Palestine Liberation Organization; jointly to the Committees on International Relations and Appropriations.

5467. A letter from the Secretary, Department of Homeland Security, transmitting notification of the transfer of a function

within the Department of Homeland Security, pursuant to Public Law 107—296, section 872; jointly to the Committees on Transportation and Infrastructure and Homeland Security (Select).

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2584. A bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (Rept. 108—378). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; with an amendment (Rept. 108—379). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3506. A bill to amend the Federal Power Act to authorize a State to regulate the sale at wholesale of electric energy generated, transmitted, and distributed solely within that State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Mr.

ISRAEL, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. LYNCH, Mr. GEORGE MILLER of California, Mr. FARR, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mrs. CAPPS, Mrs. DAVIS of California, Ms. LOFGREN, Ms. PELOSI, Mr. MATSUI, Mr. SCHIFF, Ms. LEE, Mr. BERMAN, Mr. HONDA, Mr. LANTOS, and Ms. HARMAN):

H.R. 3507. A bill to expand homeownership opportunities in States having high housing costs; to the Committee on Financial Services.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 3508. A bill to amend the Internal Revenue Code of 1986 to expand the tax benefits for the New York Liberty Zone; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. BART-

LETT of Maryland, Mr. EHLERS, Mr. FROST, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. LEACH, Mr. LARSEN of Washington, Mr. UDALL of Colorado, Ms. BALDWIN, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. HASTINGS of Washington, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. LEE, Mr. McDERMOTT, Mr. SMITH of Washington, and Ms. WOOLSEY):

H.R. 3509. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH:

H.R. 3510. A bill to designate Angola under section 244 of the Immigration and Nationality Act in order to make nationals of Angola eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 3511. A bill to amend the Communications Act of 1934 to require vendors of multi-

channel services to protect the privacy of their customers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER (for himself, Mr. McDERMOTT, Mr. DICKS, Mr. SMITH of Washington, Ms. DUNN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. LARSEN of Washington, Mr. NETHERCUTT, Mr. BAIRD, Mr. INSLEE, Mr. REHBERG, Mr. YOUNG of Alaska, and Mrs. CUBIN):

H.R. 3512. A bill to provide for the establishment of demonstration programs to address the shortages of health care professionals in rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 3513. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania:

H.R. 3514. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes; to the Committee on Agriculture.

By Mr. THORNBERRY (for himself and Mr. SNYDER):

H.R. 3515. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

By Mr. WAXMAN:

H.R. 3516. A bill to suspend temporarily the duty on 586 intermediate blended colorants in aqueous solution; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3517. A bill to suspend temporarily the duty on 786 neutral vinyl acetate polymer in aqueous solution; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3518. A bill to suspend temporarily the duty on 486 paint based on aqueous vinyl polymer; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. TAYLOR

of Mississippi, Mr. UPTON, Mr. DAVIS of Florida, Mr. CASTLE, Mr. MEEKS of New York, and Mr. HOUGHTON):

H. Con. Res. 325. Concurrent resolution resolution honoring the members of the National Guard and Reserve components of the Armed Forces; to the Committee on Armed Services.

By Mrs. NAPOLITANO (for herself, Mr. FARR, Mr. GRIJALVA, Mr. McNULTY, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Mr. WOLF):

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. SMITH of New Jersey, Mr. EVANS, and Mr. ENGLISH):

H. Con. Res. 327. Concurrent resolution calling on the Government of Indonesia and the Free Aceh Movement to immediately declare a ceasefire and halt hostilities in the Indonesian province of Aceh, end all human rights violations, and return to negotiations with significant Acehnese civil society and international involvement, and for other purposes; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia:

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the designation of a National Military Appreciation Month; to the Committee on Government Reform.

By Mr. CARDIN (for himself, Mr. VIS-CLOSKEY, and Mr. LEVIN):

H. Res. 445. A resolution expressing the disapproval of the House of Representatives with respect to the report issued on November 10, 2003, by the World Trade Organization (WTO) Appellate Body which concluded that United States safeguard measures applied to the importation of certain steel products were in violation of certain WTO agreements, calling for reforms in the WTO dispute settlement system, and for other purposes; to the Committee on Ways and Means.

By Mr. RYUN of Kansas (for himself,

Mr. OTTER, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. ISTOOK, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. TOOMEY, and Mr. HOSTETTLER):

H. Res. 446. A resolution expressing the sense of the House of Representatives that the Supreme Court should base its decisions on the Constitution and the Laws of the United States, and not on the law of any foreign country or any international law or agreement not made under the authority of the United States; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Ms. NOR-

TON, Mrs. CHRISTENSEN, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. OWENS, Mr. BISHOP of Georgia, and Mr. SCOTT of Georgia):

H. Res. 447. A resolution recognizing the horrific effects of obstetric fistulas and urging that programs be initiated to prevent and treat obstetric fistulas; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H. Res. 448. A resolution recognizing the establishment of the Rotary Club of Capitol Hill and the important contributions of Rotary Clubs to society; to the Committee on Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 20 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Homeland Security (Select).

216. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 47 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Homeland Security (Select).

217. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 51 memorializing the Secretary of the Department of Homeland Security to establish a Pacific Oceanic Administrative Region within the Department of Homeland Security to be

headquartered in Honolulu; to the Committee on Homeland Security (Select).

218. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 307 expressing opposition to the move of Head Start funding by the federal government from the Department of Health and Human Services to the Department of Education and also expressing opposition to provide Head Start funding on a block grant basis; to the Committee on Education and the Workforce.

219. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 4 memorializing the United States Congress to enact legislation to give states the authority to ban out-of-state solid waste; to the Committee on Energy and Commerce.

220. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 12 memorializing the United States Congress to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste; to the Committee on Energy and Commerce.

221. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 167 memorializing the United States Congress to enact legislation to extend to the states more authority for the management of solid waste; to the Committee on Energy and Commerce.

222. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 52 memorializing the United States Congress to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

223. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 318 memorializing Congress to enact, and the President of the United States to sign into law, a prescription drug benefit in the Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BILIRAKIS.  
H.R. 162: Mr. MCCOTTER.  
H.R. 218: Mr. NUNES.  
H.R. 290: Mr. DAVIS of Illinois, Mr. GREENWOOD, and Ms. MCCARTHY of Missouri.  
H.R. 339: Mr. BURGESS.  
H.R. 358: Mr. PAUL.  
H.R. 369: Mr. GEPHARDT.  
H.R. 375: Mr. ROGERS of Alabama.  
H.R. 463: Ms. GRANGER and Mrs. BIGGERT.  
H.R. 570: Mr. Baird.  
H.R. 571: Mr. VISCLOSKEY and Mr. BURGESS.  
H.R. 738: Ms. LEE.  
H.R. 745: Mr. KENNEDY of Rhode Island.  
H.R. 785: Mr. BEAUPREZ, Mr. DELAHUNT, and Mr. LANGEVIN.  
H.R. 798: Mr. GERLACH.  
H.R. 811: Ms. LEE.  
H.R. 814: Mr. MICHAUD, Mr. SNYDER, and Mr. SAXTON.  
H.R. 857: Mr. LARSON of Connecticut and Mr. GRIJALVA.  
H.R. 876: Mr. SANDLIN, Mr. NEY, Mrs. EMERSON, Mr. PEARCE, Mr. HINCHEY, Mr. GILCHREST, and Mr. MCDERMOTT.

H.R. 898: Mr. JANKLOW and Mr. HOEKSTRA.  
H.R. 919: Mr. REHBERG and Mr. MCCOTTER.  
H.R. 935: Mr. OLVER.  
H.R. 956: Mr. GREEN of Texas, Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, and Mr. MEEKS of New York.  
H.R. 970: Mr. STARK.  
H.R. 973: Mr. CRANE.  
H.R. 1032: Mr. GOODE.  
H.R. 1034: Mr. FROST, Mr. JACKSON of Illinois, and Mr. HONDA.  
H.R. 1049: Mr. ANDREWS.  
H.R. 1056: Mr. CARDIN.  
H.R. 1057: Mr. TOOMEY and Mr. BEAUPREZ.  
H.R. 1117: Mr. CUNNINGHAM, Mr. BEAUPREZ, Mr. PEARCE, and Mr. RADANOVICH.  
H.R. 1125: Mr. HOLDEN.  
H.R. 1155: Mr. TIBERI and Mr. ROTHMAN.  
H.R. 1179: Mr. SAXTON.  
H.R. 1205: Mr. KENNEDY of Rhode Island.  
H.R. 1212: Ms. KILPATRICK.  
H.R. 1220: Mrs. MILLER of Michigan and Mr. TERRY.  
H.R. 1258: Mr. VAN HOLLEN and Mr. ROTHMAN.  
H.R. 1295: Ms. MCCARTHY of Missouri, Mr. JACKSON of Illinois, and Mr. COOPER.  
H.R. 1310: Mr. BURNS.  
H.R. 1345: Mr. OLVER.  
H.R. 1372: Ms. PRYCE of Ohio and Mr. CUNNINGHAM.  
H.R. 1406: Mr. DEAL of Georgia.  
H.R. 1414: Mr. TAUSCHER and Ms. SCHAKOWSKY.  
H.R. 1430: Mr. GREEN of Texas, Mr. ACKERMAN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. PRICE of North Carolina, Mr. GUTIERREZ, and Mr. MEEKS of New York.  
H.R. 1483: Mrs. CAPPS.  
H.R. 1499: Mr. MCDERMOTT and Mr. MORAN of Virginia.  
H.R. 1592: Mr. PAUL.  
H.R. 1622: Mr. PICKERING.  
H.R. 1634: Mr. POMEROY.  
H.R. 1657: Mr. PASTOR and Mr. HINCHEY.  
H.R. 1699: Mr. NEY.  
H.R. 1749: Ms. BORDALLO.  
H.R. 1752: Mr. GUTIERREZ.  
H.R. 1783: Mrs. MYRICK.  
H.R. 1784: Mr. MORAN of Virginia.  
H.R. 1793: Mr. KING of Iowa.  
H.R. 1819: Mr. DOYLE and Mr. KING of Iowa.  
H.R. 1863: Mr. PAYNE, Mr. GRIJALVA, and Mr. DOYLE.  
H.R. 1865: Ms. NORTON.  
H.R. 1914: Mr. BLUMENAUER, Mr. CARTER, Mr. MCCREERY, Mr. BISHOP of Utah, Mr. BONILLA, Mr. CULBERSON, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, Mr. HOSTETTLER, Mr. HUNTER, Mr. KELLER, Mr. KNOLLENBERG, Mr. PICKERING, Mr. RENZI, Mr. RYUN of Kansas, Mr. BRADY of Texas, Mr. CUMMINGS, Mr. DICKS, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. FLAKE, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. MICA, Mr. NORWOOD, Mr. POMBO, Mr. ROTHMAN, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. WAMP, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. CLAY, Mr. DUNCAN, Mr. FOLEY, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIRK, Mr. LATHAM, Ms. MCCOLLUM, Mr. MCHUGH, Mrs. NAPOLITANO, Mrs. NORTHUP, Mr. REYES, Mr. REYNOLDS, Ms. SCHAKOWSKY, Mr. SHAW, Mr. SWEENEY, Mr. VITTER, Ms. WATSON, Mr. WEXLER, Mr. WHITFIELD, and Mr. SERRANO.  
H.R. 1918: Ms. CARSON of Indiana.  
H.R. 1919: Ms. NORTON, Mr. SANDERS, and Mr. CARDOZA.  
H.R. 1993: Mr. WEXLER.  
H.R. 2011: Mr. WATT.  
H.R. 2038: Mr. PALLONE.  
H.R. 2060: Ms. WOOLSEY.

H.R. 2094: Mr. GORDON, Ms. BERKLEY, and Mr. FARR.

H.R. 2157: Mr. CROWLEY and Mr. PAYNE.  
H.R. 2214: Mr. WILSON of South Carolina.  
H.R. 2216: Mr. MEEKS of New York.  
H.R. 2217: Mr. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, and Mr. MEEKS of New York.

H.R. 2238: Mr. HOEKSTRA.  
H.R. 2239: Mr. SHAYS, Mr. TOM DAVIS of Virginia, Mr. BASS, Mr. ALLEN, and Mr. CLAY.

H.R. 2323: Mr. MENENDEZ.  
H.R. 2353: Mr. JACKSON of Illinois.  
H.R. 2371: Mr. HOEFFEL and Mr. SHERMAN.  
H.R. 2394: Mr. KIND and Mr. SCHIFF.  
H.R. 2404: Mr. WEINER, Mr. MURTHA, Mr. DINGELL, Mr. HUNTER, Mr. HOUGHTON, and Mr. HOLDEN.

H.R. 2444: Mr. ROGERS of Kentucky.  
H.R. 2492: Mr. BOYD.  
H.R. 2505: Mr. GUTIERREZ.  
H.R. 2510: Mr. CALVERT.  
H.R. 2511: Mr. CARDOZA and Mrs. WILSON of New Mexico.

H.R. 2515: Mr. SHAYS, Ms. ROYBAL-ALLARD, and Ms. CARSON of Indiana.

H.R. 2516: Mr. WU.  
H.R. 2579: Mr. TURNER of Ohio.  
H.R. 2584: Mr. FLAKE.  
H.R. 2626: Mr. MEEKS of New York.  
H.R. 2699: Mr. CAMP.  
H.R. 2700: Mr. GRIJALVA.  
H.R. 2702: Mr. LEVIN and Mr. ROHRBACHER.  
H.R. 2705: Mr. MEEHAN.  
H.R. 2719: Mr. KING of New York and Mr. FILNER.

H.R. 2735: Mr. SKELTON, Mr. ISAKSON, and Mr. GRIJALVA.

H.R. 2768: Mr. STUPAK, Mr. MCHUGH, and Mr. KENNEDY of Minnesota.

H.R. 2809: Mr. SHAYS.  
H.R. 2810: Mr. SHAYS.  
H.R. 2816: Mr. SCHIFF and Mr. UDALL of Colorado.

H.R. 2818: Mr. GREEN of Texas and Mrs. CHRISTENSEN.

H.R. 2839: Mr. STRICKLAND, Mr. GREEN of Wisconsin, and Mr. PUTNAM.

H.R. 2853: Mr. WATT.  
H.R. 2929: Mr. PICKERING, Mr. WYNN, Mr. ENGEL, Mr. RUSH, Mr. BOUCHER, and Mr. STUPAK.

H.R. 2963: Ms. LOFGREN, Ms. BORDALLO, and Mr. BLUMENAUER.

H.R. 2968: Mr. PORTER.  
H.R. 2983: Mrs. CHRISTENSEN, Mr. WYNN, and Mr. RENZI.

H.R. 2986: Mr. OBERSTAR, Ms. PRYCE of Ohio, Mr. FORD, Mr. SULLIVAN, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. SABO, Mr. KANJORSKI, Ms. ESHOO, Mr. HASTINGS of Florida, Mr. DICKS, Mr. JANKLOW, Mr. SIMMONS, Mr. ADERHOLT, Mr. HOBSON, Mr. COBLE, Mr. SCHROCK, Mr. ROGERS of Michigan, and Ms. HART.

H.R. 3002: Mr. DEAL of Georgia.

H.R. 3009: Mr. OWENS and Mr. VITTER.  
H.R. 3024: Mr. GOODE.

H.R. 3045: Mr. SCHIFF.  
H.R. 3051: Mr. STRICKLAND, Ms. WOOLSEY, Mr. GUTIERREZ, and Mr. RAHALL.

H.R. 3058: Mr. MILLER of Florida.  
H.R. 3085: Mr. KUCINICH.

H.R. 3092: Mr. BERRY, Mr. BERMAN, and Mr. HASTINGS of Washington.

H.R. 3103: Ms. LOFGREN, Mr. SNYDER, and Mr. TIBERI.

H.R. 3104: Mr. MCCOTTER, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Mr. SPRATT.

H.R. 3111: Mr. POMEROY.  
H.R. 3125: Mr. HERGER and Mr. BILIRAKIS.

H.R. 3133: Mr. SANDERS and Ms. NORTON.  
H.R. 3184: Ms. MCCARTHY of Missouri.

H.R. 3191: Mr. SMITH of Texas, Mr. MARSHALL, Mr. SHAW, Mr. CALVERT, Mr. MANZULLO, Mr. GIBBONS, and Mr. GOODLATTE.

H.R. 3205: Mr. VAN HOLLEN.  
 H.R. 3242: Mr. PUTNAM.  
 H.R. 3244: Mr. MORAN of Virginia, Mr. SMITH of Washington, Ms. KAPTUR, Mr. RAHALL, Mr. GUTIERREZ, Mr. KILDEE, Mr. RODRIGUEZ, and Ms. CORRINE BROWN of Florida.  
 H.R. 3263: Ms. PRYCE of Ohio.  
 H.R. 3266: Mr. FROST, Mr. TURNER of Ohio, Mr. RANGEL, and Mr. GARRETT of New Jersey.  
 H.R. 3272: Mr. JONES of North Carolina.  
 H.R. 3277: Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. SWEENEY, Mr. NORWOOD, Mr. COLLINS, Mr. CHOCOLA, Mr. BURTON, of Indiana, Mr. DEMINT, Mr. PORTER, Mr. HYDE, Mr. WICKER, Mr. SENSENBRENNER, Mr. PETRI, Mr. POMBO, Ms. HARRIS, Mr. OSBORNE, Mr. LAHOOD, Mr. THOMPSON of California, Mr. FEENEY, Mr. COX, Mr. ROHRABACHER, Mr. STEARNS, Mr. BLUNT, Mr. SAXTON, Mr. ISSA, Mr. LINDER, Mr. TIAHRT, Mr. LOBIONDO, Mr. NEY, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. WELDON of Pennsylvania, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. BONNER, Mr. SHAYS, Mr. SHUSTER, Mr. RYUN of Kansas, Mr. MEEHAN, Mr. KIND, Mrs. WILSON of New Mexico, Mr. SHAW, Mrs. KELLY, Mr. CRANE, Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. FATTAH, Mr. LARSON of Connecticut, Ms. PRYCE of Ohio, Mr. ENGLISH, Mr. WOLF, Mr. TURNER of Ohio, Mr. SIMPSON, Mr. EVERETT, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. WELLER, Mr. LATOURETTE, and Mrs. NAPOLITANO.  
 H.R. 3294: Mr. EMANUEL.  
 H.R. 3307: Mr. PETERSON of Pennsylvania.  
 H.R. 3313: Mr. MILLER of Florida.  
 H.R. 3325: Mr. WAXMAN.  
 H.R. 3329: Mr. JONES of North Carolina.  
 H.R. 3338: Mr. SCOTT of Virginia, Mr. FROST, and Ms. MILLENDER-MCDONALD.

H.R. 3344: Mr. NETHERCUTT, Mr. PETERSON of Minnesota, Ms. HOOLEY of Oregon, Mr. RYAN of Ohio, and Ms. BERKLEY.  
 H.R. 3350: Mr. SANDERS and Mr. FROST.  
 H.R. 3367: Mr. ANDREWS.  
 H.R. 3370: Mr. TOWNS, Mr. FROST, and Mr. GORDON.  
 H.R. 3380: Mr. ETHERIDGE and Mr. BALLANCE.  
 H.R. 3394: Mr. SHAYS.  
 H.R. 3403: Ms. HARRIS, Mr. HALL, and Mr. WELDON of Florida.  
 H.R. 3412: Mrs. JONES of Ohio, Mr. PAUL, and Mr. GERLACH.  
 H.R. 3416: Mr. KLECZKA.  
 H.R. 3422: Ms. CARSON of Indiana.  
 H.R. 3438: Mr. KNOLLENBERG, Mr. LOBIONDO, Mr. MOORE, Mr. LYNCH, and Mr. MEEHAN.  
 H.R. 3441: Mr. KLECZKA, Mr. MEEKS of New York, and Mr. MCDERMOTT.  
 H.R. 3452: Mr. VITTER.  
 H.R. 3453: Mr. BACHUS, Mrs. BLACKBURN, Mrs. EMERSON, Mr. GOODE, Mr. HENSARLING, and Mr. WELDON of Florida.  
 H.R. 3458: Mr. DAVIS of Tennessee and Mr. TANNER.  
 H.R. 3459: Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. FROST, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. ORTIZ, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, and Ms. VELAZQUEZ.  
 H.R. 3463: Mr. ENGLISH and Mr. SAM JOHNSON of Texas.  
 H.R. 3492: Mr. MILLER of Florida.  
 H.R. 3500: Mr. BURR and Mr. MCINTYRE.  
 H. Con. Res. 83: Ms. NORTON.  
 H. Con. Res. 247: Mr. TAYLOR of North Carolina.

H. Con. Res. 276: Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, and Mr. GUTIERREZ.  
 H. Con. Res. 298: Mr. ROGERS of Michigan.  
 H. Con. Res. 308: Ms. MCCOLLUM, Mr. MENENDEZ, Mr. BILIRAKIS, Mr. CHABOT, and Mr. MILLER of Florida.  
 H. Con. Res. 310: Mr. BARTLETT of Maryland and Mr. MILLER of Florida.  
 H. Con. Res. 313: Mr. RANGEL, Mr. WILSON of South Carolina, Mr. PITTS, Mr. KING of New York, Mr. EMANUEL, Mr. CAMP, Mr. DUNCAN, Mr. COBLE, Mr. UPTON, Mr. HOLDEN, Mr. JOHN, and Mr. MENENDEZ.  
 H. Con. Res. 320: Mr. MARSHALL, Mr. McNULTY, and Mr. MCHUGH.  
 H. Res. 45: Mr. PENCE.  
 H. Res. 157: Mrs. MALONEY and Mr. BROWN of Ohio.  
 H. Res. 371: Mr. SMITH of New Jersey and Mr. RAHALL.  
 H. Res. 393: Ms. SOLIS.  
 H. Res. 411: Mrs. CAPPS and Mr. CHOCOLA.  
 H. Res. 423: Mr. UDALL of Colorado and Mr. MILLER of Florida.  
 H. Res. 427: Mr. CULBERSON, Mr. BELL, and Ms. SOLIS.

---

#### PETITIONS, ETC.

Under clause 3 of rule XII,

43. The SPEAKER presented a petition of the City of Independence, OH, relative to Resolution 2003-108 petitioning the support of the Breast Cancer Patient Protection Act of 2003; which was referred jointly to the Committees on Energy and Commerce and Education and the Workforce.